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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - X
CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI
BABAD, RABBI WOLF BRIEF, RABBI
HERMEN KAHANA, RABBI MEIR MARGULIS,
RABBI GERGELY NEUMAN, RABBI MEILECH
MENCZER, RABBI JACOB HERSHKOWITZ,
RABBI CHAIM ROSENBERG, RABBI DAVID A.
MENCZER, and RABBI ARYEH ROYDE,
Plaintiffs,
-against- 07-CV8304
(KMK)

VILLAGE OF POMONA, NY; BOARD OF
TRUSTEES OF THE VILLAGE OF POMONA,
NY; NICHOLAS SANDERSON AS MAYOR;
IAN BANKS as Trustee and in his
official capacity, ALMA SANDERS
ROMAN as Trustee and in her official
capacity, RITA LOUIE as Trustee and
in her official capacity, and BRETT
YAGEL, as Trustee and in his official
capacity,
Defendants.

- - - - - X

May 22, 2014
10:10 a.m.

EXAMINATION BEFORE TRIAL of
LYNN YAGEL, a Non-Party Witness, taken
pursuant to Subpoena, held at the offices
of Savad Churgin, 55 Old Turnpike Road,
Nanuet, New York, before a Notary Public
within and for the State of New York.

* * *

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IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties hereto that filing and
sealing are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the
form of the question, shall be reserved
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within examination may be signed
and sworn to before any Notary Public
with the same force and effect as though
signed and sworn to before this Court.

1 - Lynn Yagel -

2 (At the request of Mr. Stepanovich the
3 following documents were marked.)

4 (Whereupon, Notice of Deposition was
5 marked Plaintiff's Exhibit 243 for
6 identification.)

7 (Whereupon, Subpoena was marked
8 Plaintiff's Exhibit 244 for identification.)

9 L Y N N Y A G E L, a non-party witness, having
10 been first duly sworn by Gale Salit, a Notary
11 Public of the State of New York, was examined
12 and testified as follows:

13 THE REPORTER: May I have your full
14 name, please?

15 THE WITNESS: Lynn Parsons Yagel.

16 THE REPORTER: May I have your
17 address?

18 THE WITNESS: 9 Secor Court, Pomona,
19 New York 10970.

20 EXAMINATION BY

21 MR. STEPANOVICH:

22 Q Good morning. My name is John
23 Stepanovich. This is Donna Sobel.

24 A Good morning.

25 Q We are two of the lawyers for the

1 - Lynn Yagel -

2 Congregation Rabbinical College of Tartikov and
3 the other plaintiffs in this action against the
4 Village of Pomona.

5 A Uh-huh.

6 Q I want to go over a few ground rules
7 before we get started.

8 A Okay.

9 Q Have you ever given a deposition
10 before?

11 A No, I haven't.

12 Q Are you represented by counsel today?

13 A No.

14 Q A few ground rules, as I said. If you
15 don't hear my questions, please let me know.

16 A Okay.

17 Q If you don't understand my questions,
18 please let me know and I'll try to make them
19 understandable. And what's very important is
20 that you give an audible answer so that the court
21 reporter can take it down. In other words, a
22 shaking or a nodding of the head she can't
23 transcribe.

24 A I understand.

25 Q So just make sure however you answer

1 - Lynn Yagel -

2 you do it audibly.

3 If you need to take a break, just let
4 me know and we'll take a break. We don't
5 anticipate going too long, but we will be a
6 little while. So any time you need a break just
7 let me know.

8 A Okay.

9 Q Your name is Lynn Parsons Yagel,
10 correct, that's what you testified to?

11 A Yes.

12 Q Have you gone by Lynn Parsons at
13 various times?

14 A I go by Lynn Parsons in my business
15 world and in any financial matters. I did not
16 change my name when we got married.

17 Q When you say you use Lynn Parsons
18 Yagel in your business world, what world is that?

19 A I use Lynn Parsons.

20 Q Oh, Lynn Parsons.

21 A Yes.

22 Q What business world is that, what do
23 you mean?

24 A I'm an engineer for -- I work for
25 Lockheed Martin on the Trident Nuclear Submarine

1 - Lynn Yagel -

2 program.

3 Q What do you do?

4 A I'm a publications engineer and I
5 write and develop and manage the documentation
6 that's used on the submarine for navigation.

7 Q How long have you been doing that?

8 A Right out of college, 28 years.

9 Q You've been working for Lockheed
10 Martin for 28 years?

11 A Yes. When I was first hired we were
12 Sperry. It's changed names. Been on the same
13 program, same phone extension. But in the
14 business world you get acquisitioned. But
15 Lockheed has been the latest owner of our
16 business unit for at least 16 years.

17 Q Do you work in the office or do you
18 work out of your home?

19 A I work out of the office 90 percent of
20 the time. I have a laptop and on occasion I do
21 bring it home and I work from home.

22 Q Where is your office?

23 A It's in Long Island, Mitchell Field.
24 55 Charles Lindbergh Boulevard in Uniondale.

25 Q What's your educational background?

1 - Lynn Yagel -

2 A I have an electrical engineering
3 degree.

4 Q From where?

5 A From Stevens Institute of Technology.

6 Q Where is that?

7 A Hoboken, New Jersey.

8 Q Did you have any postgraduate work or
9 is that the extent of your degree?

10 A That's the extent.

11 Q I'm handing you what's been marked as
12 Plaintiff's Exhibit 243, and ask you if you've
13 seen that before?

14 A I don't recall seeing this.

15 Q Well, you're here today. So this is a
16 notice of deposition. And you're saying you
17 don't recall seeing this at all?

18 A No, I don't recall. I'm not very good
19 and stay on top of my mail at home. No, I don't
20 recall this document. I did receive another
21 document, because I used this to get your
22 address.

23 Q I'm handing you now what's been marked
24 as Plaintiff's Exhibit 244, and ask if you've
25 seen that before?

1 - Lynn Yagel -

2 A No, I don't recall seeing this
3 document.

4 Q How did you know to come here today?

5 A I received, I received an initial
6 notification to come a few months ago, and I
7 heard it got rescheduled. And I received a call
8 from Andrea letting me know it was this Thursday.

9 Q So your testimony is you've never
10 received or you have not seen --

11 A Have not seen.

12 Q -- Exhibit 244. Have you ever been
13 instructed or advised to look for documents that
14 are relevant to this lawsuit?

15 A Yes, I have.

16 Q Who advised you of that?

17 A I got a call from Andrea to look
18 through my work computer for any documents that I
19 had pertaining to this.

20 Q Did you do that?

21 A I did. I turned them over to -- I
22 brought them home and I gave them to my husband.

23 Q Did you look through your personal
24 computer to find --

25 A No, I did not.

1 - Lynn Yagel -

2 Q Why is that?

3 A I don't use my personal computer of
4 recent. I don't even know what the password is.
5 The only computer I use now is my work laptop and
6 my iPhone. I don't use the home laptop, I
7 haven't in years. We got a new one about five,
8 six years ago I think. And I don't use it. I
9 have no reason to go on it. I would say in the
10 last five, six years I have not used our laptop.

11 Q Prior to that five, six years, seven
12 years and beyond did you use a personal computer?

13 A Yes, I think I did.

14 Q Was that your home computer?

15 A Yes.

16 Q Do you still have that home computer?

17 A I believe it was turned over. We have
18 a laptop, but the other computer I believe was
19 turned over. We haven't used it in years.

20 Q That computer you are referring to was
21 turned over to whom?

22 A I don't know. All I know is Brett
23 said that we had to keep it for -- in regards to
24 the lawsuit.

25 Q Let me see if I understand correctly.

1 - Lynn Yagel -

2 You conducted a search on your work laptop --

3 A Uh-huh.

4 Q -- for documents. You found certain
5 documents and those documents were turned over to
6 counsel, Andrea Napp?

7 A I turned them over to my husband. I'm
8 not sure who he gave them to.

9 Q You don't have any documents here
10 today?

11 A No, I didn't bring anything with me
12 other than your letterhead.

13 Q Have you ever held any position with
14 the Village of Pomona?

15 A Not at all.

16 Q Any unofficial position with the
17 Village of Pomona?

18 A None at all.

19 Q Have you ever volunteered in any
20 capacity for the Village of Pomona?

21 A I volunteered for the fishing contest
22 once or twice. And they have a music festival
23 and I showed up to help set up.

24 Q So that's the extent of your
25 participation in the Village of Pomona --

1 - Lynn Yagel -

2 A Yes, it is.

3 Q -- activities and community affairs?

4 A Uh-huh.

5 Q Never served on any other committee?

6 A No. Recreation committee I've helped
7 out, that's all.

8 Q What did you do to prepare for today's
9 deposition?

10 A Quite frankly, nothing. Other than
11 looking for your address, that was all.

12 Q Did you speak with anybody?

13 A I only spoke with Andrea two days ago
14 I believe to confirm time. That I didn't know.
15 I knew it was today, I didn't know what time.
16 And I asked her what would be my role in the
17 deposition and she described it to me. And she
18 made it clear that she's not my counsel. And
19 that was it.

20 Q Did you talk to your husband about his
21 deposition?

22 A No. In fact, I forgot about it. And
23 other than asking him at the end of the day
24 whenever I guess it happened, "How was your day?"
25 "Oh, I had my deposition." I asked, "How did it

1 - Lynn Yagel -

2 go?" He says, "I can't talk about it." And the
3 only conversation him and I had regarding this
4 was Monday my phone crapped out, we went to the
5 Apple store, and he drove me by to show me where
6 it was. That was it.

7 Q So he didn't tell you anything about
8 his deposition?

9 A No.

10 Q You didn't ask him anything about it?

11 A No. Because I know I'm not supposed
12 to, so I didn't.

13 Q Who told you you weren't supposed to?

14 A He told me that we shouldn't talk
15 about it.

16 Q Did he tell you who told him that?

17 A No.

18 MR. STEPANOVICH: (Handing document
19 to be marked.)

20 (Whereupon, Defendants' Rule 26(a)
21 Initial Disclosures was marked Plaintiff's
22 Exhibit 245 for identification.)

23 Q Did he tell you how long his
24 deposition lasted?

25 A I get the feeling -- I don't recall

1 - Lynn Yagel -

2 having -- no, I don't recall having the
3 conversation. Other than I asked him -- he was
4 out of work for a day, I think. But I don't
5 recall when it started or what time. We are sort
6 of two ships that we pass. We both have very
7 independent lives, so we maintain our
8 conversations mostly on where the children have
9 to be.

10 Q I'm handing you what's been marked as
11 Plaintiff's Exhibit 245.

12 A Okay.

13 Q I ask you if you've ever seen it
14 before?

15 A No.

16 Q I represent to you this is a document
17 filed by the counsel for the Village of Pomona.

18 A Okay.

19 Q And --

20 A No, I would have remembered this. No.

21 Q I turn your attention to Page 6. And
22 you've indicated you've not seen this before,
23 correct?

24 A No, I haven't.

25 Q I'm going to represent that generally

1 - Lynn Yagel -

2 what this document is is a disclosure from the
3 Village of Pomona about individuals that they
4 believe have information relevant to this
5 lawsuit.

6 MS. NAPP: I object to the form.

7 Q And Page 6 lists your name Lynn Yagel,
8 9 Secor Court, Pomona, New York 10970, and then
9 your phone number. It says subjects. "Would
10 likely have knowledge concerning master plan,
11 village administration and developments regarding
12 subject property."

13 Did I read that accurately?

14 A No.

15 Q I did not read that accurately?

16 A You read it accurately.

17 Q That was my question.

18 A Yes, you read it accurately.

19 Q So do you have any knowledge
20 concerning the master plan of the Village of
21 Pomona?

22 A No.

23 Q Do you have any idea why Pomona's
24 counsel would list you as a person having that
25 knowledge?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 Q You can answer.

4 A No.

5 Q Did you ever participate in any way
6 with the master plan?

7 A No.

8 Q What information do you have regarding
9 village administration?

10 A I know the two village clerks, I know
11 who the latest code enforcement officer is. I
12 hear from my husband local chitchat regarding
13 office goings on. That's the extent of what I
14 know of what goes on in the office.

15 Q You know Nick Sanderson, right?

16 A Nick Sanderson is my neighbor.

17 Q How long have you known Nick
18 Sanderson?

19 A Since we moved into the village 16
20 years ago.

21 Q When you moved in was Mr. Sanderson
22 already living there on Secor Court?

23 A Yes, he was.

24 Q So you know him from that time when
25 you moved in 16 years ago?

1 - Lynn Yagel -

2 A Yes.

3 Q Do you have any idea why the village
4 would indicate that you would likely have
5 knowledge about village administration?

6 A No.

7 Q What information do you have regarding
8 developments regarding the subject property?

9 A Subject property?

10 Q I'm reading here from their -- they
11 indicate that you would likely have knowledge
12 concerning master plan, village administration
13 and developments regarding subject property. So
14 I'm asking the question now, what information do
15 you have regarding developments regarding the
16 subject property?

17 MS. NAPP: Object to the form.

18 Q If you understand the question, you
19 can answer.

20 A No, I don't.

21 Q Do you have any information about the
22 subject property and -- Strike that.

23 When I say subject property, I'm going
24 to use that term throughout today's deposition,
25 that's the 100 acre parcel at 202 and 306 that is

1 - Lynn Yagel -

2 owned by the Congregation. Okay?

3 A Okay. It's not the Patrick Farm
4 property?

5 Q It is not the Patrick Farm.

6 Are you familiar with this 100 acre
7 site?

8 A Vaguely.

9 Q You live in Pomona?

10 A I do.

11 Q Tell me how vaguely you are familiar
12 with this property?

13 A I recall -- this isn't something I
14 think about very often. I recall around the time
15 my husband ran for office this becoming an issue.
16 Just something about property changing hands.
17 But I don't know -- I don't know too many of the
18 details. I recall reading in the paper or -- I
19 don't recall. I am being quite frank. I don't
20 pay attention to what really goes on in my
21 village. I work hard outside the home and that's
22 my focus and my kids. But I'm really trying
23 here.

24 Q You indicated you remember something
25 about the property changing hands. And if I

1 - Lynn Yagel -

2 mischaracterized your testimony, I apologize.

3 A Right.

4 Q What do you mean by that?

5 A I think it was a camp and then it was
6 bought to -- for some excessive housing and I
7 don't recall who bought it. You mentioned
8 Tartikov. That sounds familiar to me now. But
9 you're taking me back a few years, so I don't
10 recall the details of which.

11 Q I think you just said it was bought
12 for excessive housing?

13 A Something to that effect.

14 Q Could you tell me what you mean by
15 that?

16 A Dense housing, apartments I think.

17 Q What do you recall about that?

18 A That's all I recall.

19 Q Dense housing. What do you mean dense
20 housing?

21 A Housing that's not like one house per
22 acre which is what I'm used to seeing.

23 Q Do you know how many houses were going
24 to be developed on that property?

25 A None at all. I don't recall any of

1 - Lynn Yagel -

2 the numbers, details.

3 Q You don't recall anything about the
4 details of this property?

5 A No, I don't.

6 Q Did you know the prior owner?

7 A I remember hearing it was -- no. I
8 remember hearing something about Dora Golding
9 Camp, but that's all I recall.

10 Q Does the name Yeshiva Spring Valley
11 refresh your memory at all?

12 A No.

13 Q Have you ever heard of the name
14 Yeshiva Spring Valley?

15 A Yes, I have.

16 Q How do you know that name?

17 A I think and -- my recollection of that
18 is there was an orchard that I used to frequent
19 and it was bought. And I believe that's where I
20 passed and I'd see the sign for the Yeshiva of
21 Spring Valley.

22 Q Do you know that at any time the
23 Yeshiva of Spring Valley owned this subject
24 property?

25 A I don't recall hearing that

1 - Lynn Yagel -

2 connection.

3 Q So you don't know then that Yeshiva
4 Spring Valley sold the property to Congregation
5 Rabbinical College?

6 A No, I don't recall how they acquired
7 it.

8 Q Do you have any knowledge or
9 information of what the Congregation was going to
10 use the subject property for, besides the
11 comments you mentioned regarding housing?

12 A No, I just recall remembering
13 something about dense housing.

14 Q Do you have any recollection about a
15 rabbinical college being built there?

16 A Now that you mention it, I remember
17 hearing that.

18 Q As you sit here today me mentioning
19 rabbinical college refreshes your memory on --

20 A It does.

21 Q Do you remember when you heard the
22 property was going to be used for a rabbinical
23 college?

24 A I don't recall the exact time. Maybe
25 six years ago. Five, six years ago.

1 - Lynn Yagel -

2 Q What is your understanding how the
3 property was going to be used in that capacity?

4 A I don't know.

5 Q Do you an idea of what a rabbinical
6 college is?

7 A I have to think about this. No --
8 ummm, no.

9 Q Do you know the owners of the
10 property, do you know who owns the subject
11 property that we are talking about?

12 A I don't recall a name.

13 Q Does the name Michael Tauber ring a
14 bell to you?

15 A I've heard that name, but I don't
16 think that he owned this property.

17 Q How did you hear that name?

18 A I think -- I would think --
19 conversations or overhearing -- I think something
20 in the paper.

21 Q You read the paper?

22 A I have not read the paper for years.
23 I take out the coupon section. But no, I don't
24 really have time to read the paper.

25 Q So you don't read the Rockland County

1 - Lynn Yagel -

2 Journal News?

3 MS. NAPP: Object to the form.

4 A I occasionally read it. But it's more
5 looking at the front cover and getting to the
6 Stop & Shop circular.

7 Q You go online to read the lohud.com?

8 A No, I have not gone onto lohud.com
9 probably since I moved my cubicle, which was
10 eight years ago.

11 Q So have you ever posted any articles
12 on lohud.com?

13 A Yes, I have.

14 Q When did you do that?

15 A I don't know if it was 2006, '7, '8,
16 in that time frame.

17 Q What was the topic?

18 A The topic was, I called it
19 discrimination, real discrimination.

20 Q So was that a posting or a letter to
21 the editor, do you recall what it was?

22 A It was I believe a letter to the
23 editor.

24 Q Was that the only time you ever wrote
25 a letter to the editor?

1 - Lynn Yagel -

2 A That is the only time I wrote a
3 letter.

4 Q What is your personal email address?

5 A I share it with my husband
6 blyagel@optonline.net.

7 Q Both of you use that email?

8 A He uses it predominantly.

9 Q Do you have a work email that you can
10 disclose to us?

11 A Yes.

12 Q What is it?

13 A Lynn.parsons@lmco.com.

14 Q How long have you had that work email?

15 A 28 years.

16 Q How long have you had the personal
17 email?

18 A I don't recall when we got it.

19 Q Is that the only personal email you've
20 used let's say in the last seven years?

21 A Yes.

22 Q How long have you lived in Rockland
23 County?

24 A 16 years.

25 Q You moved to Rockland County from

- Lynn Yagel -

where?

A Long Island. We lived in New Hyde Park.

Q Has Rockland County changed since you moved here 16 years ago?

MS. NAPP: Object to the form.

Q You can answer.

A I think every -- yes.

Q How?

A More congested.

Q That's it?

A A lot more developments, a lot more housing.

Q Traffic, more traffic?

A Traffic. I leave very early in the morning. I leave about 5:30 in the morning, so I don't see too much traffic.

Q What about the school system, has it changed since you moved here?

A I don't -- the school system, my daughters go to private school, so I haven't had much dealings with the school district.

Q Do you know what a voting bloc is?

A I've heard the term.

1 - Lynn Yagel -

2 Q How would you describe the term?

3 A A group of people who are directed to
4 vote one way in support of one candidate.

5 Q Using your definition then, do you
6 understand who's directing people to vote?

7 MS. NAPP: Object to the form.

8 A No, I don't know who's directing them.

9 Q Have you ever used the term voting
10 bloc?

11 A I don't recall but probably.

12 MR. STEPANOVICH: If you could, madam
13 court reporter, if you could read back her
14 answer to the question what is a voting
15 bloc?

16 (The answer was repeated.)

17 Q Are there voting blocs in Rockland
18 County?

19 A Yes.

20 Q Who are they?

21 A I think areas of New Square.

22 Q Who would comprise those voting blocs?

23 A Residents of New Square.

24 Q Orthodox, Hasidic Jews?

25 A I don't understand to distinguish

1 - Lynn Yagel -

2 between the two.

3 Q Let's use the term together then,
4 Orthodox and Hasidics. Do they comprise a voting
5 bloc in New Square?

6 A I believe so.

7 Q Anywhere else?

8 MS. NAPP: Object to the form.

9 Q Are you aware of a voting bloc
10 anywhere else besides New Square?

11 A No.

12 Q Where else in Ramapo?

13 A Is New Square in Ramapo?

14 Q Yes. Anywhere else besides New
15 Square?

16 A No.

17 Q How do you feel about voting blocs?

18 MS. NAPP: Object to the form.

19 A I'd like to think people are
20 independent thinkers.

21 Q So let's get back to your definition,
22 a group of people directed to vote in support of
23 one candidate. Using your definition, and I may
24 have asked you this. If I did, I apologize. Who
25 is directing the people to vote?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 Q You can answer.

4 A Community leaders.

5 Q Who would that be?

6 A I don't know the hierarchy within New
7 Square. I don't know the government officials,
8 religious officials, I don't know.

9 Q Do you know any other voting blocs in
10 Rockland County?

11 A No.

12 Q In your opinion is a voting bloc
13 positive for a democracy?

14 A No.

15 Q Why not?

16 A Once again, it's not individuals
17 voting. It is one person or whoever, a group --
18 a small group of people telling a larger group of
19 people. So I wonder where is the will of the
20 people if it's being directed by a small group.

21 Q So is it your testimony then that a
22 few people are overpowering the will of many
23 people?

24 MS. NAPP: Object to the form.

25 A Yes.

1 - Lynn Yagel -

2 Q How do you know that the voters are
3 not expressing their own will when they vote?

4 MS. NAPP: Object to the form.

5 A It's the impression I have.

6 Q You don't know that they are not
7 expressing their own will, do you?

8 A Not definitely.

9 Q Are you familiar with tax exempt
10 properties?

11 A Yes.

12 Q You have an opinion on tax exempt
13 properties?

14 MS. NAPP: Object to the form.

15 A No. You mean -- no.

16 Q Do you understand why some properties
17 are tax exempt?

18 A Nonprofit, religious use.

19 Q Do you agree with nonprofits and
20 religious use owning properties that's tax
21 exempt?

22 MS. NAPP: Object to the form.

23 A Not entirely.

24 Q Can you explain that, please?

25 A Make me think about things I haven't

1 - Lynn Yagel -

2 thought about. I do believe in the separation of
3 church and state, and that the burden of a
4 particular person's religious affiliation should
5 not be come at the burden of others. If those
6 who support a religious institution should do so,
7 they should do so at their own cost. There are
8 some people I know who don't have any religious
9 faith and, therefore, they have no financial out.

10 Q Financial what, out?

11 A Yes, financial exemption.

12 Q You use the term burden. I want to
13 give you an opportunity to explain that. What do
14 you mean by burden in the definition that you
15 just used?

16 A Taxes.

17 Q So I want to try to restate what you
18 said, but I don't want to mischaracterize it. So
19 I'm going to try to restate it and please correct
20 me.

21 So is it your opinion then that the
22 burden, which is a tax burden, is eliminated for
23 religious purposes? Am I --

24 A I'm sorry, state that again.

25 Q Let's do it this way. Let me just ask

1 - Lynn Yagel -

2 you this way.

3 The concern that you have with tax
4 exempt properties appears to be a financial
5 concern?

6 A Yes.

7 Q It's a financial concern in tax
8 responsibility, is that --

9 A Yes.

10 Q So a tax exempt property which is
11 let's say religious in nature would pay no real
12 estate tax. Do you agree with that?

13 MS. NAPP: Object to the form.

14 Q Do you agree with that?

15 If they are an approved religious
16 organization they pay no real estate tax?

17 MS. NAPP: Object to the form.

18 Q You agree with that?

19 A That's my understanding.

20 Q And that premise you do not agree
21 with?

22 MS. NAPP: Object to the form.

23 A Yes.

24 Q And is it because someone else let's
25 say within the Village of Pomona, for instance,

1 - Lynn Yagel -

2 would have to carry that financial responsibility
3 that the religious organization is avoiding?

4 MS. NAPP: Object to the form.

5 A In other -- not exactly.

6 Q That's fine. I did not want to
7 mischaracterize. I was just trying to digest it
8 and spit it back. But I'm going to give you the
9 opportunity to characterize it.

10 A It's more complicated than you're
11 stating.

12 Q Here's your chance if you could
13 explain it.

14 A I'm concerned about cost of -- cost to
15 the environment, cost to roads, infrastructure,
16 all of which raises the taxes. And quality of
17 life. I don't like traffic.

18 Q What do you mean by quality of life?

19 A Traffic, for the most part traffic. I
20 love nature, beautiful scenery. I like to make
21 sure where I live stays that way.

22 Q How do religious groups or tax exempt
23 properties threaten what you just described?

24 MS. NAPP: Object to the form.

25 A I don't think they do.

1 - Lynn Yagel -

2 Q What I'm trying to zero in on -- what
3 do I call you, Mrs. Yagel or Miss -- what do you
4 want me to call you?

5 A You can call me Lynn.

6 Q I don't want to do that.

7 A Mrs. Yagel is fine. My daughter's
8 fifth grade teacher calls me that.

9 Q What I'm trying to focus in on is the
10 position that you have. It sounds to me that if
11 an institution is a religious institution and
12 it's not paying taxes, then as a result of that
13 the burden, let's use that word because I think
14 you might have used it, the burden that it
15 imposes on a community is being carried by others
16 that are not affiliated with the religious
17 institution. Did you understand that?

18 MS. NAPP: Object to the form.

19 A It depends what the religious
20 institution is being used and how and the
21 frequency.

22 Q Could you explain, how is that?

23 A Well, there's a Methodist church
24 around the corner from me. I'm a big fan of
25 architecture. It's a cute little facility. On

1 - Lynn Yagel -

2 Sunday morning they hold services. The rest of
3 the week there's no traffic, there's no influx of
4 people. So for a daily village's service that
5 doesn't seem to be the case. But I'm concerned
6 about large groups of people day in, day out.

7 Q So the traditional religious use,
8 Sunday services, a Catholic church that has
9 masses on Sunday once a week, you're okay with
10 that?

11 MS. NAPP: Object to the form.

12 Q Let's let Andrea get in there.

13 MS. NAPP: I just wanted to make sure
14 you got my objection.

15 Miss Yagel, if you could after Mr.
16 Stepanovich asks you a question just pause
17 for a second, because I may or may not
18 object as I have been doing all along.

19 A May I ask a question? What does
20 object to the form mean?

21 MS. NAPP: I'll allow Mr. Stepanovich
22 to...

23 Q Ask her, she's the one that's been
24 doing it.

25 A He winked, so I'm not sure...

1 - Lynn Yagel -

2 Q If I winked, it was not intentional.

3 MS. NAPP: I'm making my record for
4 later on. It doesn't mean anything for your
5 purposes, you can go ahead and answer the
6 question.

7 A Okay.

8 Q We'll move on.

9 MR. STEPANOVICH: If you could read
10 Mrs. Yagel's last answer.

11 (Off-the-record discussion.)

12 (The following was repeated:

13 Q What I'm trying to focus in on is
14 the position that you have. It sounds to me
15 that if an institution is a religious
16 institution and it's not paying taxes, then
17 as a result of that the burden, let's use
18 that word because I think you might have
19 used it, the burden that it imposes on a
20 community is being carried by others that
21 are not affiliated with the religious
22 institution. Did you understand that?

23 MS. NAPP: Object to the form.

24 A It depends what the religious
25 institution is being used and how and the

1 - Lynn Yagel -

2 frequency.

3 Q Could you explain, how is that?

4 A Well, there's a Methodist church
5 around the corner from me. I'm a big fan of
6 architecture. It's a cute little facility.
7 On Sunday morning they hold services. The
8 rest of the week there's no traffic, there's
9 no influx of people. So for a daily
10 village's service that doesn't seem to be
11 the case. But I'm concerned about large
12 groups of people day in, day out.

13 Q So the traditional religious use,
14 Sunday services, a Catholic church that has
15 masses on Sunday once a week, you're okay
16 with that?)

17 MS. NAPP: The same objection.

18 A It doesn't have to be Sunday. It
19 could be Friday night, could be Saturdays,
20 Thursday night. I'm not being specific to one
21 type of religion, Catholic.

22 Q Then it sounds to me as if your, I
23 don't want to use the word objection, your
24 concern would be with a religious property used
25 more than one day a week?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A Frequency and volume.

4 Q Frequency of use of the property?

5 A Correct.

6 Q On a daily basis?

7 A Correct.

8 Q And volume of the people frequenting
9 the property?

10 A Correct.

11 Q How much frequency is too much?

12 MS. NAPP: Object to the form.

13 A I can't answer that until I've lived
14 through it.

15 Q How much frequency is too much -- I
16 mean how much volume? I'm sorry. Same answer?

17 A Correct.

18 Q So as you sit here today you have no
19 idea whether or not you would object to the
20 frequency or the volume of the use for a
21 religious property, right?

22 MS. NAPP: Object to the form.

23 A Not until I knew the details.

24 Q And not until you lived through it?

25 A Probably.

1 - Lynn Yagel -

2 Q Just generally, Mrs. Yagel, what do
3 you know about Hasidic and Orthodox Jews and
4 their customs and cultures?

5 A I have no friends that are Hasidic. I
6 have some friends that are Orthodox. I've
7 encouraged my children to be open to all cultural
8 religious events. I have a few neighbors and
9 they are not Orthodox, they are Jewish. And we
10 get invited for holidays and I love exposing my
11 children to that. I don't have any interaction
12 with Hasidic individuals. I do on occasion see
13 individuals maybe at Stop & Shop and I think I
14 can tell by dress. Men wearing hats, dark suits.

15 The last two nights my daughter had
16 softball games down at Manny Weider I think it's
17 called. Anyway, I had to go down 306 and I saw a
18 bunch of schoolgirls getting off a school bus. I
19 noticed long dresses. But I have no social
20 interaction.

21 Q Do you have any opinion about the size
22 of families of Orthodox, Hasidic Jews?

23 A Size of families.

24 Q Number of children.

25 A I've seen Costco -- you're asking me

1 - Lynn Yagel -

2 something I have no knowledge of. Okay? If you
3 asked about my Irish relatives, I'd say they have
4 ten kids. I've heard large families, but I don't
5 know that for a fact.

6 Q In your opinion has the Orthodox,
7 Hasidic population in Rockland County increased
8 since you moved here?

9 A I believe it's stayed the same. I
10 recall -- I don't have any numbers to back that
11 up, but I don't recall more or less. It to me
12 feels about the same.

13 Q When did you start hearing the term
14 voting bloc?

15 A I don't know the exact time. I think
16 -- I don't know the exact time. I would have to
17 think it was about eight years ago.

18 Q Have you ever heard the term voting
19 bloc in relationship to elections in Ramapo?

20 A Yes.

21 Q Could you explain that to us?

22 A The current supervisor does receive
23 every election 99 percent of the votes from, and
24 I'm not sure how they know this, but I have read
25 from areas like New Square.

1 - Lynn Yagel -

2 Q When you are saying areas like New
3 Square you are talking about a voting bloc?

4 A Yes.

5 Q And that town supervisor is
6 Christopher St. Lawrence?

7 A Yes.

8 Q Your knowledge of what you just
9 described, his receipt of that voting bloc, comes
10 from where, the newspaper?

11 A Yes.

12 Q Is that the only source of your
13 knowledge on that issue?

14 A Preserve Ramapo. But when I say
15 newspaper, they usually provide a link to a
16 newspaper article.

17 Q What about your neighbors?

18 MS. NAPP: Object to the form.

19 Q You hear from your neighbors that the
20 support for Mr. St. Lawrence comes from a voting
21 bloc of Orthodox, Hasidic Jews?

22 A I don't recall any specific
23 conversations about that.

24 Q What about your husband?

25 A Yes.

1 - Lynn Yagel -

2 Q Do you believe that Orthodox, Hasidics
3 generally discriminate against non-Orthodox and
4 Hasidics?

5 MS. NAPP: Object to the form.

6 A I would not use the word discriminate.

7 Q You can use whatever word you would
8 like.

9 A I believe that they don't want to
10 associate with myself or my children.

11 Q What is the basis for that belief?

12 A I recall one event. It was this
13 orchard that I recall going to when my oldest was
14 about six. And they'd have rabbits there and my
15 daughter liked playing with them. And we were
16 there one time and my daughter was over looking
17 at the rabbits and I was sitting with my baby,
18 the other one. And there was some other families
19 there and by their dress I could tell they were
20 either Orthodox or Hasidic. And I remember
21 smiling at the lady and noticing our children
22 were over together. And she quickly went over
23 and grabbed her children and brought them away
24 from my child. I thought that was odd. I didn't
25 quite understand that. And my daughter

1 - Lynn Yagel -

2 questioned me and I told her I don't know why.

3 So I never understood why -- that event.

4 Q So you obviously don't know why that
5 happened?

6 A I don't.

7 Q And that bothered you?

8 MS. NAPP: Object to the form.

9 Q You can answer.

10 A I didn't understand it. Mothers are
11 mothers and children are children.

12 Q And cultures are different?

13 MS. NAPP: Object to the form.

14 A I believe we are Americans. I think
15 we are a melting pot and I love that about this
16 country and I think we should share our cultures.
17 I don't want to remain isolated.

18 Q You don't want to remain isolated?

19 A No.

20 Q And you don't want anybody else to
21 remain isolated, do you?

22 MS. NAPP: Object to the form.

23 A That's their choice. I don't
24 understand it.

25 Q You don't have to -- okay, you don't

1 - Lynn Yagel -

2 understand it. You don't agree with it?

3 MS. NAPP: Object to the form.

4 A No, I don't understand it.

5 Q You don't have any idea whether or not
6 there's a religious basis for Orthodox and
7 Hasidic Jews to remain separated, do you?

8 A I don't.

9 Q Have you ever done any research or
10 investigation on that?

11 A No.

12 Q Other than what you just described,
13 Mrs. Yagel, have you ever spoken to the media
14 about land use issues in the Village of Pomona or
15 the Town or Ramapo?

16 A I've never spoken to the media.

17 Q And I think you've answered this and
18 I'm sorry if I restate it.

19 Other than your letter, the one letter
20 that you recall sending to the Rockland County
21 Journal News, have you ever posted on any
22 Internet forums or blogs any comments?

23 A No. I don't think I know how to do
24 that. I wouldn't know where to go.

25 Q Did you ever send any comments, other

1 - Lynn Yagel -

2 than posting, did you ever send any emails or
3 comments to LoHud or --

4 MS. NAPP: Object to the form.

5 A I don't recall.

6 Q What do you know about the
7 Congregation Rabbinical College of Tartikov?

8 A Very little. And I don't recall
9 having a thought about that in at least five or
10 six years. So my memory is -- what you're
11 describing to me is not what my life is about or
12 what I focus on. So I, you know, I don't -- I
13 haven't even attended a single board meeting. I
14 don't get involved with local goings on, despite
15 the fact that my husband is the mayor.

16 Q You of course support your husband in
17 his position, right?

18 MS. NAPP: Object to the form.

19 A I support my husband being mayor
20 because I think he's there and he's doing a good
21 job.

22 Q And you supported him when he ran for
23 office?

24 A Of course I did.

25 Q How is he doing a good job?

1 - Lynn Yagel -

2 A Because I think he really cares for
3 what's going on in the village. He cares for the
4 people. He tries to keep taxes within measure.
5 I think he's even handed as far as fairness to
6 locals about -- as I said to my husband, we had
7 two things done in our house. We had our
8 basement done and we put in a pool. And we
9 followed the rules and everything we do is very
10 aboveboard. And he has a lot of integrity and I
11 think that's important in public life.

12 Q When you say you followed the rules,
13 you mean you followed the zoning code?

14 A The zoning code, yup. Whatever the
15 permits cost, they cost. We are fully open, we
16 do everything according to what the code was for
17 both of those projects. Got our necessary
18 permits.

19 Q I know you keep saying that you don't
20 have a fresh recollection of the rabbinical
21 college for lack of a better term.

22 A I know and you keep smirking.

23 Q I'm not smirking.

24 A I don't know if you can quite
25 understand. I commute an hour and a half each

1 - Lynn Yagel -

2 way. I usually don't get home until 8:30. I
3 have two daughters who are very active. And if
4 anything goes on in the village I tell my
5 husband, "Honey, I'm tired, I don't want to hear
6 it." We keep separate lives, we both have. He's
7 got also a day job which pays our bills, and I'm
8 concerned that he maintains that.

9 And while I love the village, I love
10 the events in the village, I love the people in
11 the village, I don't support going to board
12 meetings. I don't think you've ever seen me
13 there. I just want to know what time he's
14 getting home.

15 Q You work long hours?

16 A Yes, I do. Lately for the last year
17 or so I've been putting in fifteen or twenty
18 hours overtime a week.

19 Q And your husband works long hours in
20 his day job?

21 A He switched jobs a few years ago, so
22 he's luckily working more local. But he also
23 used to commute down to the city and it was
24 tough. I even work most Saturdays. I was in
25 last Saturday.

1 - Lynn Yagel -

2 Q What is Preserve Ramapo?

3 A Preserve Ramapo is a organization. I
4 know some of the people on it. I know Bob
5 Rhodes, I've met him. And they provide articles
6 of things that are going on in Ramapo.

7 Q Have you ever heard Robert Rhodes
8 speak about the issue of Orthodox and Hasidic
9 Jews?

10 A Speak, I don't recall a forum where he
11 spoke about it.

12 Q Did you ever read any articles by Mr.
13 Rhodes regarding Orthodox and Hasidic Jews?

14 A I recall him having something in the
15 paper. I don't recall what the exact subject
16 was.

17 Q Was it the population growth of
18 Orthodox and Hasidic Jews?

19 MS. NAPP: Object to the form.

20 A I may have, I don't recall.

21 Q You remember reading an article,
22 though?

23 A I remember seeing an article that he
24 wrote a long time ago. I don't recall when.

25 Q Have you read any articles from

1 - Lynn Yagel -

2 anybody else regarding -- from Preserve Ramapo
3 regarding Orthodox, Hasidic Jews?

4 A Relative to what?

5 Q In any capacity.

6 A If you would be more specific maybe it
7 would jog my memory. I can't recall anything
8 specific.

9 Q Have you ever hosted any fundraisers
10 for Preserve Ramapo?

11 A Yes, I did.

12 Q Can you tell us about that?

13 A I had a dinner party at my home to
14 support -- there were some candidates running
15 against Christopher St. Lawrence and whoever else
16 was on his slate. I don't recall what election
17 that is. I think he's up every two years. It
18 was six, eight years ago. I can't remember the
19 name of the candidate now. The name is eluding
20 me, I can't remember.

21 Q Why did you host that fundraiser and
22 support that candidate?

23 MS. NAPP: Object to the form.

24 A Because I wanted to see him win and I
25 wanted him to raise some money for his campaign.

1 - Lynn Yagel -

2 Q Why did you want to see him win?

3 A His last name was Brennan. He was a
4 good man. I liked his integrity.

5 Q What else did you like about him?

6 A What I recall the most, and I haven't
7 seen him in years, but I recall thinking he
8 was -- had a lot of integrity.

9 Q Did he have a particular position
10 let's say on the development that you agreed
11 with?

12 A I don't recall what his positions
13 were.

14 Q What is it that you agree with
15 generally regarding Preserve Ramapo's mission
16 statement?

17 MS. NAPP: Object to the form.

18 A Fairness and laws applying equally to
19 all.

20 Q Can you explain what you mean by that?

21 A Building codes should be enforced on
22 everyone, private citizens should not be -- I
23 just -- I believe in fairness and I believe in
24 everyone having a voice.

25 Q Are you familiar with the Patrick Farm

1 - Lynn Yagel -

2 development?

3 A Yes.

4 Q How are you familiar with it?

5 A It's a beautiful parcel of land a
6 couple of miles from my home. And I recall --
7 and this is -- I'm really bad on memory. I
8 believe the property was sold. I don't remember
9 even now at this day who it was sold to. But it
10 was going to be -- I'm trying to think if I'm
11 confusing the two pieces of property now. But
12 the property was sold. One time I thought it was
13 going to be a golf course. But it was going to
14 be developed and I remember there was going to be
15 high density housing and the zoning was whatever
16 an acre and it was going to become high density
17 housing. I don't know what has happened to that
18 course, I haven't been following it.

19 Q Do you know how high the density was
20 going to be for the housing?

21 MS. NAPP: Object to the form.

22 A I don't remember the exact numbers,
23 but I remember something about eight or nine
24 story buildings. But I don't remember the
25 details of it.

1 - Lynn Yagel -

2 Q Are you familiar with the adult
3 student housing?

4 MS. NAPP: Object to the form.

5 A I heard the term adult student housing
6 and I think that's my association with like a
7 dormitory type building.

8 Q What do you know about adult student
9 housing?

10 MS. NAPP: Object to the form.

11 A I don't know anything, other than I
12 mean I went to college, I lived in a dormitory.
13 I am associating that type of building with that
14 term.

15 Q Do you recall that adult student
16 housing would be permitted on the Patrick Farms
17 property?

18 A I believe so.

19 Q And you don't have any recollection of
20 how that translated into numbers of --

21 A I don't recall numbers.

22 MS. NAPP: Object to the form.

23 Q Do you know who owns Patrick Farms?

24 A I think I did at one time and I can't
25 recall right now.

1 - Lynn Yagel -

2 Q Does Mr. Lebovits, does that name ring
3 a bell?

4 A Yes, thank you, yes.

5 Q Do you know if that property was going
6 to be used for Orthodox, Hasidic residents?

7 MS. NAPP: Object to the form.

8 A I believe it was.

9 Q You're opposed to the Patrick Farm
10 development?

11 MS. NAPP: Object to the form.

12 A I'm sorry, repeat that question.

13 Q Let me rephrase it.

14 Do you support or oppose the Patrick
15 Farm development?

16 MS. NAPP: Object to the form.

17 A I oppose it.

18 Q Why?

19 A I would like to leave it the same way
20 it is right now.

21 Q Which is?

22 A But I don't own it, so I don't control
23 it. Lakes, trees, wildlife.

24 Q Are you a member of Preserve Ramapo?

25 A I have contributed to their campaign

1 - Lynn Yagel -

2 years ago and I am on their email list.

3 Q You receive emails from them?

4 A I do. I receive them at work and nine
5 times out of ten I usually just delete them,
6 because I get inundated with emails.

7 Q You've testified that the extent of
8 your understanding of what the rabbinical
9 college, it's proposed use is going to be. You
10 indicated that, again I'm not trying to put words
11 in your mouth, you don't have a very detailed
12 understanding of what that is. Is that a fair --

13 A I don't.

14 Q When this first hit the news back in
15 '07 --

16 A '07, okay. I keep thinking it's '6 or
17 '8, so it's '07.

18 Q Let's just start in '07.

19 A Okay.

20 Q Do you recall what the sentiment in
21 your community was regarding the rabbinical
22 college issues?

23 MS. NAPP: Object to the form.

24 A I don't know what my neighbors thought
25 per se. No.

1 - Lynn Yagel -

2 Q You indicated you don't know what your
3 neighbors thought per se. Did you have a general
4 recollection of what your neighbors thought?

5 MS. NAPP: Object to the form.

6 A Yes.

7 Q What was that?

8 A I don't think they were happy knowing
9 a big parcel of land was going to be developed.

10 Q Are you familiar with the efforts to
11 form a Village of Ladentown?

12 A Yes, I am.

13 Q How are you familiar with that?

14 A I know some of the individuals who
15 were trying to form that village. It's outside
16 the town, the unincorporated part of Ramapo.
17 They had some fundraisers which I attended and
18 then eventually I helped them with making food or
19 whatever.

20 Q So you support the incorporation of
21 Ladentown?

22 MS. NAPP: Object to the form.

23 A Yes, I do.

24 Q Why?

25 A Because I believe that people should

1 - Lynn Yagel -

2 have a more direct tie-in to what goes on in
3 their community. They were basically under the
4 Town of Ramapo and didn't have much say into what
5 went on with anything. I see the benefits of the
6 Village of Pomona and that sense of community.
7 And I didn't see that these individuals, that I
8 knew anyway, felt like they had that. So I did
9 support them.

10 Q You say you see the benefits of the
11 Village of Pomona. Could you describe what that
12 is generally?

13 A If I've got an issue with my garbage
14 not picking up or there's a strange car in my
15 neighborhood, I can pick up the phone and call
16 village hall and you feel a direct feeling of
17 family within the village. I don't know if
18 you're in a big town you get that same feeling.

19 Q Do you know the status currently as we
20 sit here today of the incorporation of the
21 Village of Ladentown?

22 A The last -- I don't know if there's
23 anymore lawsuits or anymore -- anything still in
24 the courts. The last I recall is it went to a
25 vote at Ramapo and it was struck down. And I

1 - Lynn Yagel -

2 believe they were fighting it and I lost track
3 and lost interest.

4 Q Did the efforts require approval from
5 Mr. St. Lawrence?

6 A Yes, I believe he had a vote on it.

7 Q Do you recall how he voted?

8 A He voted no.

9 Q How do you feel about that?

10 A I disagreed with his vote.

11 Q Why?

12 A Because I don't believe he looked at
13 the full merits of the case. And I don't
14 understand why anyone would vote no to allowing
15 people to form their own village.

16 Q Why is that?

17 A What's the problem with allowing
18 people to have their own village? I don't see
19 it.

20 Q But from your perspective, why -- I
21 want to understand completely your reasons for
22 people forming their own village. Why is that in
23 your opinion important?

24 MS. NAPP: Object to the form.

25 Q Other than what you've testified to.

1 - Lynn Yagel -

2 If you have any further answers.

3 A No, I don't have any further answer.

4 Q Does the proposed Village of Ladentown
5 incorporate Patrick Farms?

6 MS. NAPP: Object to the form.

7 A I believe it was, yes.

8 Q You indicated that you lost interest
9 in the incorporation effort of Ladentown; is that
10 a fair statement?

11 A I have.

12 Q So as you sit here today do you mind
13 if Patrick Farms get developed into high density
14 homes?

15 MS. NAPP: Object to the form.

16 A I have not been following what's been
17 going on with that property in years and I
18 haven't thought about it. And I don't know if
19 the original use has changed. I don't really
20 recall even what the original use was. I have
21 not been following the status of that.

22 Q As you sit here today do you know
23 whether or not the efforts to incorporate
24 Ladentown are active?

25 A I don't believe so. I haven't heard

1 - Lynn Yagel -

2 anything.

3 Q Did you distribute any fliers,
4 anything regarding the Village of Ladentown's
5 incorporation movement?

6 A I don't recall specifically. I think
7 I may have tried to get my neighbors to come on
8 the boat trip.

9 Q The boat trip was to generate support
10 for the movement of Ladentown?

11 A Yes, helped them raise money.

12 Q Did you do anything to help your
13 husband in his 2007 campaign for the board?

14 MS. NAPP: Object to the form.

15 A Can you be more specific?

16 Q Did you campaign for your husband in
17 2007?

18 A I recall him having what they call
19 chat and chews at certain peoples' homes, friends
20 of ours. I recall two of them and I went with
21 him to support him.

22 Q Is that all you recall doing?

23 A Ummm.

24 Q Did you gather signatures for his --

25 A I was thinking. I'm trying to

1 - Lynn Yagel -

2 remember if I did gather signatures, and I don't
3 recall. I may have, but I don't recall. On a
4 petition. I'm trying to remember. I don't
5 recall.

6 Q Did you go door to door campaigning
7 with him?

8 A No, I wouldn't have time for that.

9 Q Did you write any campaign literature
10 for him?

11 A I may have seen campaign literature
12 for him. But I don't -- I wouldn't have helped
13 him on that. I think he's quite capable of doing
14 it himself.

15 Q Would you have edited any campaign
16 literature for him?

17 A I don't recall. I would imagine he
18 would have shown me something and I would have
19 given him my opinion. But I don't specifically
20 remember an incident of that. You said 2007 he
21 ran?

22 Q Yes.

23 A I don't recall.

24 Q Did you work with Leslie Sanderson on
25 the campaign with Nick Sanderson?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A When he was mayor?

4 Q Yes, when he ran for election at any
5 time.

6 A No. As recall, I don't think he
7 had -- let me think. Well, that's the election
8 -- no, wait a minute.

9 Q What about when your husband and Nick
10 Sanderson ran together?

11 A That was the chat and chews. That was
12 the chat and chew.

13 Q Did you work with Leslie Sanderson on
14 that campaign?

15 A Well, our husbands were running
16 together. Directly with Leslie, I don't recall
17 doing anything directly with Leslie.

18 Q Did you work directly with Nick
19 Sanderson?

20 A No.

21 Q You've heard the term RLUIPA?

22 A Yes.

23 Q What do you know about RLUIPA?

24 A I know that it was a law passed when
25 Clinton was in office. And it's Religious Land

1 - Lynn Yagel -

2 Use and Institutionalized Persons Act. And it
3 basically grants exemptions to religious
4 institutions. And I don't know the legal terms
5 as far as what those exemptions are. But that's
6 my understanding of it.

7 Q How do you feel about that law?

8 MS. NAPP: Object to the form.

9 A Don't agree with it.

10 Q Why?

11 A I don't believe any organizations
12 deserve any kind of exemptions based on their
13 religious status. I believe it should still go
14 to local zoning.

15 Q Did you do any research about why
16 RLUIPA was passed at any time?

17 A I remember looking up information
18 about it and I don't recall what I found. I
19 don't recall the specifics as to what -- and I
20 remember thinking it was probably passed with the
21 best of intentions.

22 Q But in your opinion it hasn't worked
23 out so well?

24 MS. NAPP: Object to the form.

25 A Can you clarify that?

1 - Lynn Yagel -

2 Q So if the law was passed with the best
3 of intentions, what do you believe those
4 intentions were?

5 MS. NAPP: Object to the form.

6 A I'm not sure now. I'm not sure.

7 Q Did you become aware that the Village
8 of Pomona passed a resolution to petition
9 Congress to revisit RLUIPA?

10 A I did not know that.

11 Q Would you be in support of those
12 efforts?

13 A Yes.

14 Q Why?

15 A Because I believe the law should be
16 revisited.

17 Q Why?

18 A To not give a blanket exemption. I
19 think that certain environmental infrastructure
20 situations should be taken into account.

21 Q Do you know whether or not those
22 issues are taken into account under RLUIPA?

23 A I don't know the details of that.

24 Q Is it your opinion that RLUIPA just
25 gives a blanket exemption to religious groups?

1 - Lynn Yagel -

2 A I do know that there is definitely an
3 advantage to any group who's using that in the
4 sense that any kind of action that may be taken
5 by a local government would -- it's a costly
6 venture for local governments to retain counsel
7 and to pursue it. And I think I recall if
8 somehow there was a loss in court that they would
9 have to pay. I don't recall, I haven't looked at
10 this in years. But something to do with that.

11 Q So then is it your opinion then
12 these -- I'm going to call it religious land use.

13 A Uh-huh.

14 Q So religious land use within a
15 municipality should be determined by the local
16 zoning boards?

17 A Yes.

18 Q And only the local zoning boards?

19 MS. NAPP: Object to the form.

20 A That's my opinion.

21 Q According to the local zoning laws?

22 A Yes, that's my opinion.

23 Q And that's the extent of the
24 consideration; is that right?

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 A Yes.

3 Q Because the local zoning boards know
4 best?

5 MS. NAPP: Object to the form.

6 A The local -- the law is the law. And
7 if that is the law within the village I reside,
8 that's what I should adhere to.

9 Q Federal law is a law too, isn't it?

10 MS. NAPP: Object to the form.

11 A Yes.

12 Q Do you know who Marci Hamilton is?

13 A Yes, I do.

14 Q Have you ever talked to Marci Hamilton
15 about RLUIPA?

16 A No, I've never met her.

17 Q What do you know about Marci Hamilton?

18 A I recall thinking and learning that
19 she was a legal expert in cases of religious use.
20 And I believe she wrote or I think she was a
21 counsel for one of the justices, and I think she
22 was involved with overturning the previous
23 version of RLUIPA. I don't recall the name right
24 now but I did at one time. So from a legal
25 standpoint she was probably one of the experts in

1 - Lynn Yagel -

2 the country on this.

3 Q Did you know if she ever represented
4 your husband at all?

5 A I know she is a counsel for the
6 village.

7 Q Do you know whether or not she ever
8 represented your husband during his election back
9 in '07?

10 A I don't believe they knew each other.

11 Q That wasn't the question. The
12 question was do you know --

13 A I'm not following.

14 Q Do you know whether or not Marci
15 Hamilton ever represented your husband, Nick
16 Sanderson and Rita Louie in their election bid?

17 MS. NAPP: Object to the form.

18 Q The answer is no?

19 A No.

20 Q How did you become aware of Marci
21 Hamilton's credentials as you put them? You
22 didn't use that term, but...

23 A I think when I was researching RLUIPA
24 her name came up.

25 Q Why were you researching RLUIPA?

1 - Lynn Yagel -

2 A Because I wanted to know more about
3 it.

4 Q Why?

5 A I wanted to know how it came to be,
6 what did it encompass. Like I said, this is
7 going back a few years.

8 Q Sure.

9 You need a break?

10 A No, I'm okay. I'm actually surprised.
11 What time is it? Does anybody have
12 the time?

13 Q (Indicating clock.)

14 A Oh, okay.

15 Q If you know, Mrs. Yagel, the subject
16 property we are talking about, the rabbinical
17 college's property.

18 A The one that's in Pomona?

19 Q Yes.

20 A Okay.

21 Q How close is that to Patrick Farms?

22 A A couple of miles, pretty close.

23 Q Did you ever correspond with Marci
24 Hamilton regarding RLUIPA?

25 A No, I don't recall corresponding with

1 - Lynn Yagel -

2 to be marked.)

3 (Whereupon, Printout of article, "In a
4 Town Divided, a Wispy Boundary Between Land
5 Use and Religion," Bates Nos. RC1618-19, was
6 marked Plaintiff's Exhibit 247 for
7 identification.)

8 Q Coming back to 246, the title of the
9 article is "Culture Clash." Have you ever heard
10 that term described within the --

11 A Oddly enough --

12 MS. NAPP: Object to the form.

13 A I'm going to finish. Oddly enough,
14 you used the term culture clash just now when I
15 was talking. So I think that's the first time
16 I've heard it.

17 Q You never heard that term anywhere
18 else?

19 A No.

20 Q I'm handing you now, Mrs. Yagel,
21 what's been marked as 247. I'm going to ask you
22 if you've ever seen this before?

23 A This I recall reading. This was in
24 the New York Times.

25 Q This is an article dated October 23rd,

1 - Lynn Yagel -

2 2005.

3 A Right.

4 Q You recall seeing this article?

5 A I do. We don't get the Times, but
6 someone at work showed it to me, because they
7 said they were talking about my neck of the
8 woods. Because everybody makes fun of me in Long
9 Island that I come from Rockland. And someone
10 had the Times and they showed me this article.
11 2005, okay. Yeah, I recall reading this.

12 Q This article, the third paragraph from
13 the bottom on the first page. "In truth, it's
14 hardly all negative. Ramapo is a strikingly
15 diverse place to Hispanics, Indians, Pakistanis,
16 Vietnamese, Haitians and assorted Jewish
17 communities, who for the most part coexist with
18 relative harmony."

19 Do you agree with that statement?

20 A I do.

21 Q Is Pomona a diverse community?

22 A Yes.

23 Q Could you explain that, please?

24 A Well, diverse in the sense of we have
25 Asians, African-Americans in the village.

1 - Lynn Yagel -

2 There's an Indian temple in the village. I go --
3 just knowing, you know, when I go to the
4 supermarket it's very -- Hispanics, whites, tall,
5 short, white, you know, very diverse.

6 Q The supermarket you're referring to
7 is, the supermarket is not located in Pomona, is
8 it?

9 A It's not, but it's relatively close to
10 village hall and in the boundaries of Pomona.

11 Q Is that supermarket within the Town of
12 Ramapo?

13 A I believe so. I'm not sure. I'm not
14 sure if it's Ramapo or Haverstraw. It's sort of
15 on the cusp there. I never thought about it.

16 Q You generally recall that this was an
17 article relating to Patrick Farms, correct?

18 A I recall reading this.

19 Q If you need to, take some time to look
20 through it.

21 A Would you like me to read through it
22 again?

23 Q I'm just going to ask -- I'm going to
24 refer you to a couple of paragraphs, but I wanted
25 you to understand the context of the article.

1 - Lynn Yagel -

2 Let's do it this way. If you need to read it,
3 that's fine.

4 A Okay.

5 Q The second page, third paragraph.

6 "You say Patrick Farm and I want to throw up, I
7 literally get nauseous," said Holly Castle, who
8 lives about a mile or so away. "You wonder, how
9 can someone drop their own little planet on us."

10 Do you see that?

11 A I do.

12 Q Do you know Holly Castle?

13 A No, I don't.

14 Q Did you ever hear that sentiment
15 before in your community regarding Patrick Farms?

16 MS. NAPP: Object to the form.

17 Q A similar sentiment to that?

18 MS. NAPP: Object to the form.

19 A That's very -- I don't know. It's a
20 distasteful statement. I've heard that. Maybe
21 it was from reading this, I don't recall.

22 Q But besides reading it here, have you
23 heard that sentiment in Pomona?

24 MS. NAPP: Object to the form.

25 Q Similar to that sentiment.

1 - Lynn Yagel -

2 MS. NAPP: Same objection.

3 A To say yes to that statement you would
4 have to have me recall who said it to me and
5 when, and I don't have any recollection of anyone
6 saying that to me.

7 Q I'm not asking if you specifically
8 heard names of people and when they said it.
9 Have you ever heard a similar statement to that
10 made at any time to you regarding --

11 MS. NAPP: Object to the form.

12 A No. It's distasteful.

13 Q On the first page, four paragraphs.
14 Do you know a Marlaine Paone?

15 A Fourth paragraph?

16 Q The fourth paragraph.

17 A On the first page?

18 Q Yes.

19 A Okay.

20 Q First of all, please, you can read
21 that. But my question is, do you know Marlaine
22 Paone?

23 A Yes, I do.

24 Q Who is she?

25 A She's one of the people that was

1 - Lynn Yagel -

2 trying to form the Village of Ladentown. She
3 used to live along 306. She's since moved and I
4 haven't seen or heard from her in a few years.
5 But I do know her.

6 Q There's a quote there in the fourth
7 paragraph, it appears to be attributed to
8 Marlaine Paone.

9 A Yes.

10 Q "This is a little bit of Brigadoon
11 near New York City and now it's a snake pit. I'm
12 embarrassed to live here." And it's attributed
13 to Marlaine Paone.

14 Did she ever say that to you?

15 MS. NAPP: Object to the form.

16 A No, not to me.

17 Q Did you ever hear her say that to
18 anyone?

19 MS. NAPP: Object to the form.

20 A I've -- general sentiment, but not
21 those exact words.

22 MR. STEPANOVICH: (Handing document
23 to be marked.)

24 (Whereupon, Document entitled, "Where
25 are we now? News from the Hearings and

1 - Lynn Yagel -

2 Courts," Bates Nos. LYAGEL00007-9, was
3 marked Plaintiff's Exhibit 248 for
4 identification.)

5 Q I'm handing you, Mrs. Yagel, what's
6 been marked as Plaintiff's Exhibit 248. I'm
7 going to ask if you can identify that document?

8 A (Perusing document.)

9 Q Let me point out, at the bottom it
10 says LYAGEL00007, and then it's 8 and 9. And
11 those are marked because we believe that this was
12 a document that was produced by you.

13 A Oh gosh, no.

14 Q Produced in this litigation by you.

15 A Do you mean did I write this?

16 Q Well, we think this document came to
17 us as part of the documents that you produced to
18 your husband in this lawsuit and that's why I'm
19 asking the question.

20 MS. NAPP: Why don't I just go off the
21 record?

22 MR. STEPANOVICH: On the record.

23 MS. NAPP: Mrs. Yagel, when you gave
24 those documents to your husband he gave them
25 to us. Us being counsel for the village and

1 - Lynn Yagel -

2 the village defendants. We turned all of
3 them over to the plaintiffs here, so they
4 have all of those documents. And we added
5 the marker on the bottom that says
6 LYAGEL00007.

7 THE WITNESS: So this was something
8 that was on my work computer?

9 MS. NAPP: I'll represent that this
10 was something that was provided to me as
11 counsel for the defendants from your
12 husband.

13 Q That's why I'm asking you questions
14 about it, Mrs. Yagel. Because we think it came
15 from you and I want to find that out.

16 A I believe I had a copy of this on my
17 work computer, okay, from, you know, back then.

18 Q Back then would have been when?

19 A Around the time of 2007 maybe. Maybe
20 it's something I received.

21 Q Is it your testimony you did not write
22 this?

23 A Oh gosh, no.

24 Q You would have saved it on your work
25 computer; is that what you said?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A It was on my work -- if you're saying
4 this is one of the documents I gave you, I
5 remember printing out a bunch of things that I
6 still had. I'm very bad about cleaning out my
7 work computer even with work stuff. This I did
8 not write. It does look familiar. But no, I
9 don't know all these specific legal -- no.

10 Q Do you know why you would have
11 maintained this document?

12 A It probably came maybe -- I don't know
13 why I maintained. I'm very bad about email and I
14 just keep putting things in folders. Because my
15 company has point of deleting things after 65
16 days. So when things come in that I don't have a
17 chance to read or whatever, I just put it into a
18 folder thinking maybe later on I'll read it,
19 but... No, I did not write this. And I'm not
20 sure if I recall reading it.

21 Yeah, I do know some of the history
22 here. This has stuff of the Ladentown vote. I
23 remember knowing about this. But this particular
24 piece of document isn't something I'm into really
25 remembering.

1 - Lynn Yagel -

2 Q You mentioned something that prompts a
3 question. When you were asked to retrieve
4 documents relative to this litigation, were you
5 limited in time going back to emails?

6 A No, no. I was told to produce
7 anything I had on my -- any computers I had
8 access to. So I looked at my work computer and I
9 went into my personal folder and I just skimmed
10 down looking for anything. And I searched on
11 Patrick and Preserve Ramapo or anything along --
12 Ladentown, and printed out everything that I
13 could find.

14 Q So you had mentioned, I thought you
15 said that the emails from your company is deleted
16 after 60 days?

17 MS. NAPP: Object to the form.

18 A They've instituted that in the last
19 five, six years, yeah.

20 Q So if an email wasn't --

21 A If I didn't file it away, it
22 disappears.

23 Q At the top of this document 248 it has
24 a date.

25 A Okay. I was looking for that,

1 - Lynn Yagel -

2 actually. I see at the bottom you have 2007
3 associated with my name, but...

4 Q It has a date, then it has a name
5 Brett L. Yagel and then a phone number there. Is
6 that your home phone, home fax, what is that
7 number?

8 A That's our home number.

9 Q Does your home phone number also serve
10 as a fax?

11 A Yes.

12 Q Does that refresh your recollection as
13 to where you originally received this document?

14 MS. NAPP: Object to the form.

15 Q Could you have received this document
16 at home?

17 A I don't recall.

18 Q Do you recall ever circulating this
19 document to anyone?

20 A I don't recall that either. I'm
21 trying to think if we even had a fax machine back
22 then. We have a printer now that faxes. But
23 back then I don't recall -- I don't recall.

24 Q The date up there, Mrs. Yagel --

25 A There's a staple on it. February 7th

1 - Lynn Yagel -

2 of --

3 Q 2014.

4 A Okay.

5 Q 7:03 a.m. So on February 7, 2014 did
6 you have a fax machine?

7 A We do, yeah. I'm honestly telling you
8 I don't recall getting this. I didn't have much
9 time, so I quickly searched on my documents and
10 printed everything out.

11 Does that mean that I faxed it or
12 he -- I don't even know what that means.

13 Q That's why I was asking you the
14 question.

15 MR. STEPANOVICH: (Handing document
16 to be marked.)

17 (Whereupon, Election document, Bates
18 No. LYAGEL00010, was marked Plaintiff's
19 Exhibit 249 for identification.)

20 Q I'm handing you now, Mrs. Yagel,
21 what's been marked as Plaintiff's Exhibit 249.
22 And ask if you can identify that?

23 A That's a flier -- Joe Brennan, that
24 was his name. Okay, yes, I do recall this.

25 Q What is it?

1 - Lynn Yagel -

2 A It's a political flier for that
3 election.

4 Q And again, it's a document that was
5 originally produced by you?

6 A Yup, this was on my computer. This I
7 recall.

8 Q You said it was a political flier?

9 A Yes.

10 Q How was it used?

11 A I believe it was given out in front of
12 supermarkets. You know, kind of a way to get
13 people to come out and vote.

14 Q Did you distribute these fliers?

15 A Yes, I did.

16 Q Did you produce this flier?

17 A I recall seeing it.

18 MS. NAPP: Object to the form.

19 Q In any way did you participate in
20 producing this?

21 A Yes, I believe I did.

22 Q How was that?

23 A I think -- formatting it. I know I
24 worked on this. The exact pieces that I did, I
25 don't recall. Probably about 50, 60 percent of

- Lynn Yagel -

it.

Q At the top there's a statement. "Do you want candidates that will support the will of all the people?"

A Yes.

Q What does that mean?

MS. NAPP: Object to the form.

A Candidates that listen to the will of all the people.

Q All of the people where, within the Town of Ramapo?

A Within the Town of Ramapo, yes.

Q And obviously you believe that Christopher St. Lawrence did not listen to the will of all of the people within Ramapo; is that right?

MS. NAPP: Object to the form.

A Yes.

Q What is the basis for that belief?

A The basis of that belief is making decisions that don't positively affect all of Ramapo. And I think this is the term where the bloc vote comes into.

Q I'm going to give you obviously every

1 - Lynn Yagel -

2 opportunity to explain. So is it your opinion
3 then that Mr. St. Lawrence caters to the bloc
4 vote?

5 MS. NAPP: Object to the form.

6 A My impression is yes. Wherever he's
7 going to get votes from, that's where he's
8 catering towards.

9 Q I think you testified to this. The
10 adult student housing legislation is an ordinance
11 that was passed within the Town of Ramapo. Do
12 you know that?

13 MS. NAPP: Object to the form.

14 A Yes.

15 Q And you don't agree with that?

16 MS. NAPP: Object to the form.

17 A I don't like the sound of it, but I
18 don't know the details of the law.

19 Q What is it about the sound that you
20 don't like?

21 A Volumes of people.

22 Q But you don't know the details?

23 A I don't.

24 Q But it's your impression that it
25 connotes volumes of people?

1 - Lynn Yagel -

2 A Yes.

3 Q By the term adult student housing?

4 MS. NAPP: Object to the form.

5 A Yes.

6 Q Well, the term adult student housing
7 doesn't have a number in it.

8 MS. NAPP: Object to the form.

9 A True.

10 Q So then how does it connote volumes of
11 people?

12 A It's just my first impression.

13 Q Well, have you heard from others that
14 adult student housing means volumes of people?

15 MS. NAPP: Object to the form.

16 A No, that's my first impression.

17 Q Adult student housing is associated
18 with Orthodox, Hasidic Jews, isn't it?

19 MS. NAPP: Object to the form.

20 A I don't know that for a fact. I would
21 think that adult student housing could be used
22 for -- you're being very specific, but I would
23 think if that's a law, that's something that's
24 not associated just with religious use. It's
25 associated for, I don't know, senior citizen

1 - Lynn Yagel -

2 communities or something to that effect.

3 Q But within the Town of Ramapo is it
4 associated with Orthodox, Hasidic Jews?

5 MS. NAPP: Object to the form.

6 A The first time I heard it it was
7 related to I think the Patrick Farm, I think. I
8 get the two properties confused.

9 Q When you say two properties, you are
10 talking about the Patrick Farms and then the
11 subject property of this litigation, right?

12 A Yes, as I have not been following
13 either in recent years.

14 Q As you testified to earlier, it's your
15 understanding that the Patrick Farms development
16 was for Orthodox and Hasidic Jews, right?

17 A You mentioned his name. What is his
18 name again?

19 Q Lebovits.

20 A Yes.

21 Q That's all I have on this, Mrs. Yagel.

22 MR. STEPANOVICH: (Handing document
23 to be marked.)

24 (Whereupon, Document entitled,
25 "Preserve Ramapo to Confront Ramapo Town

1 - Lynn Yagel -

2 Board," Bates No. LYAGEL00002, was marked
3 Plaintiff's Exhibit 250 for identification.)

4 Q I'm handing you now, Mrs. Yagel,
5 Exhibit 250. And again this is another document
6 that we believe originated from you. I'm going
7 to ask if you recognize Exhibit 250?

8 MS. NAPP: Objection. When you say
9 originally, it was produced on her behalf?

10 MR. STEPANOVICH: Yes.

11 A I prefer not arguing with you that it
12 was produced from --

13 Q Counsel has made a very valid point.
14 And her point is well taken.

15 This is a document that was produced
16 on your behalf.

17 A Right. I think that was my confusion
18 on the last article.

19 Q I think you clarified it.

20 A You made the impression that I had
21 written it. And it's one thing for all of us to
22 receive emails that we file away on our computers
23 and may have glanced at it, but it's a different
24 thing to have written or originated it.

25 Q I think you clarified that. And I'm

1 - Lynn Yagel -

2 going to give you every opportunity to clarify as
3 we go forward. I think counsel's suggestion is
4 well taken and I'm going to use her term.

5 This is a document that we believe was
6 produced originally from you to counsel in
7 relation to this litigation. So let me just ask
8 you up front. Did you write this document?

9 A No, I did not.

10 Q Where was this document stored?

11 A On my work computer.

12 Q Why would you store this document on
13 your work computer?

14 A Once again, I think this was a
15 Preserve Ramapo article that I got. I'm looking
16 at how it's formatted. Ramapo, September 26,
17 2005. Makes me think it was something maybe that
18 appeared in the paper or it was on the Preserve
19 Ramapo site. And at the time I put it into my
20 saved folder.

21 Q Did you write any of this document,
22 250?

23 A I've never written anything that
24 Preserve Ramapo has done.

25 Q Did you distribute this document to

1 - Lynn Yagel -

2 anyone, 250?

3 MS. NAPP: Object to the form.

4 A No, I don't recall distributing this.

5 Q That's all I have on that.

6 MR. STEPANOVICH: (Handing document
7 to be marked.)

8 (Whereupon, Election document, Bates
9 No. LYAGEL00012, was marked Plaintiff's
10 Exhibit 251 for identification.)

11 Q I'm handing you now, Mrs. Yagel,
12 what's been marked as Exhibit 251. Again this is
13 an Lyagel document.

14 A Okay.

15 Q Did you write this Exhibit 251?

16 A No, I didn't write this. But I
17 remember reading it.

18 Q Was this retrieved from your work
19 computer?

20 A Yes.

21 Q Is this a Preserve Ramapo document?

22 A Yes.

23 MS. NAPP: Object to the form.

24 A I believe so.

25 Q On the bottom it's

1 - Lynn Yagel -

2 www.preserveramapo.org, right?

3 A Right.

4 Q Do you know, would this have been
5 something you printed and saved or was -- let me
6 leave it there. Is this something that you would
7 have printed and saved?

8 MS. NAPP: Object to the form.

9 A I don't recall printing it, but I
10 obviously saved it.

11 Q Did you ever distribute this document?

12 MS. NAPP: Object to the form.

13 A I don't recall that. I don't recall
14 it. I am trying to think in what format I would
15 have. Candidate stuff, yes, because I would be
16 outside supermarkets for that. But this I don't
17 recall.

18 Q At about the middle there under the
19 heading Zoning, it says, "Under this law." I'm
20 going to read this and see if it refreshes your
21 memory about adult student housing. "Under this
22 law the town can rezone any parcel of land four
23 acres or larger for adult student housing."

24 The next bullet. "The law allows high
25 density housing for 'married students.' 16 units

1 - Lynn Yagel -

2 up to 2,000 square feet each per acre, with only
3 10 percent of the land used for educational use."

4 Does what I just read refresh your
5 recollection at all regarding what adult student
6 housing is in Ramapo?

7 MS. NAPP: Object to the form.

8 A I'm reading it now, I'm seeing it.
9 What does that translate into? 16 units -- I'm
10 picturing apartment buildings, if that's what 16
11 units up to 2,000 square feet is. I didn't write
12 this. You are showing me something, I'm reading
13 it now. When was this from, does it say? Okay.

14 Q I guess the question was whether or
15 not after hearing or reading what I read, does
16 that refresh your recollection at all about the
17 adult student housing in Ramapo?

18 MS. NAPP: Object to the form.

19 A I believe I've already explained that
20 I believe it's apartment housing.

21 Q At the top it says, under the first
22 five arrows. The bottom one is "Make the town
23 (sic) more responsive to our needs."

24 Do you see that?

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 A I do.

3 Q Do you agree with that position?

4 A Well, I don't live in the Town of
5 Ramapo. I don't understand what that statement
6 means.

7 Q If you don't live in the Town of
8 Ramapo, can I ask you why you retained all of
9 these Preserve Ramapo fliers?

10 A Because we followed what went on in
11 Ramapo, because it's -- Pomona represents part
12 Haverstraw, part Ramapo. The top of my road
13 across the street is Ramapo. So I'm right on the
14 cusp even though I'm not a voting person in
15 Ramapo. I have neighbors that live in Ramapo. I
16 have friends from the Village of Ladentown, a
17 couple of associates that we know.

18 Q That's all I have on that.

19 MR. STEPANOVICH: (Handing document
20 to be marked.)

21 (Whereupon, Flier, Benefit Cruise
22 Along The Hudson, Bates No. LYAGEL00006, was
23 marked Plaintiff's Exhibit 252 for
24 identification.)

25 Q It's been placed in front of you,

1 - Lynn Yagel -

2 Plaintiff's Exhibit 252. Again this is another
3 Lyagel document. And ask if you can identify
4 this, please?

5 A This was a -- yes. 2005. This was a
6 dinner cruise for the people who were trying to
7 incorporate the Village of Ladentown. And their
8 name was The Coalition to Keep Ramapo Green. And
9 I put this flier together and I helped make the
10 food.

11 Q The flier in the middle says, "Join us
12 for a beautiful afternoon on the Hudson River and
13 support our efforts to form the incorporated
14 Village of Ladentown and fight downzoning in our
15 neighborhoods"; is that right?

16 A That's correct.

17 Q You had talked about earlier what you
18 believed the Village of Ladentown's efforts to
19 incorporate were. Did it also include efforts to
20 fight downzoning in the neighborhoods?

21 A I believe so.

22 Q What is downzoning?

23 A In my interpretation it's zoning that
24 may be, you know, one house per acre that would
25 be turned into adult student housing. Which is

1 - Lynn Yagel -

2 more, and I don't know the exact numbers for
3 that.

4 Q Without knowing the specifics,
5 downzoning would allow more people within a zoned
6 area?

7 A My definition, yes.

8 Q That's your understanding?

9 A That's my understanding.

10 Q You're opposed to that?

11 A Yes.

12 Q Why?

13 A Because of natural resources and
14 sewers and roads.

15 Q How would downzoning affect natural
16 resources?

17 A Because you would have to chop down
18 more trees, you'd have to put in more roads, more
19 concrete.

20 Q How would it affect water?

21 A That would definitely have an effect
22 on water.

23 Q Is there a water issue in Rockland
24 County?

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 Q Water is an issue?

3 A There have been summers where we have
4 been rationed, yes.

5 Q You indicated, I want to make sure --
6 natural resources. You testified to that.
7 Water. And what was the other one you mentioned?

8 A Roads.

9 Q How does downzoning affect roads?

10 A It would have a tremendous impact.

11 Q How?

12 A We have one road 202 that brings you
13 in and out of Pomona. All the small -- all of
14 the housing feeds into that. It's a two lane
15 road. And from three o'clock on it's bumper to
16 bumper as it is right now.

17 Q Is that because of the growth in
18 Pomona?

19 MS. NAPP: Object to the form.

20 A As far as I know, it's always been
21 like that. I'm not sure about what growth you're
22 referring to in Pomona.

23 Q Population growth over the years.

24 A I don't know any number. I know that
25 when we moved in there was housing up on the

1 - Lynn Yagel -

2 mountain. I think there might be some other -- I
3 thought housing kind of stopped there for a
4 while. I thought with the economy things had not
5 been moving forward. So I don't recall any
6 growth.

7 Q When you say the traffic was always
8 like that, can you tell me what you meant by
9 that?

10 A Just 202 is very heavy eight, nine
11 o'clock in the morning and three to five o'clock
12 in the afternoon. It's a two lane road.

13 Q Do you have any understanding of
14 whether or not the adult student housing zone
15 defines or makes any distinction between
16 non-married students and married students?

17 MS. NAPP: Object to the form.

18 A I don't recall if there's a
19 distinction.

20 Q Would you agree that housing for
21 married students with large families would be a
22 higher volume than housing for non-married
23 students?

24 MS. NAPP: Object to the form.

25 A Yes. I also think of students as not

1 - Lynn Yagel -

2 being -- when you mention that question I think
3 of students as really not having children,
4 because I'm going back to my college days. So
5 that's my point of reference.

6 Q If students live on campus, do you
7 have any opinion on how traffic would be heavier
8 off campus?

9 MS. NAPP: Object to the form.

10 A I would have to think that anybody
11 living in a certain area drives to stores or
12 drives to post offices, yes.

13 Q The adult student housing is --

14 A Would there be parking spaces there?

15 Q Well, let me ask you this question.

16 The adult student housing, Mrs. Yagel,
17 do you know if the housing for the students is
18 affiliated with some religious institution?

19 MS. NAPP: Object to the form.

20 A I don't know that for a fact.

21 Q Do you know if any student would be
22 eligible for housing under the adult student
23 housing?

24 MS. NAPP: Object to the form.

25 A I was under the impression that any

1 - Lynn Yagel -

2 student would be affiliated with whatever the
3 college or institution was.

4 Q Do you know whether or not the college
5 or institution providing for the housing would be
6 a religious institution?

7 MS. NAPP: Object to the form.

8 A Which property are we talking about?

9 Q For any adult student housing.

10 MS. NAPP: Object to the form.

11 Q What I'm trying to figure out, Mrs.
12 Yagel, and I'm not doing a good job at it, I
13 know. But what I'm trying to figure out is do
14 you understand that the adult student housing
15 would house students? Would you agree with that,
16 do you agree with that proposition?

17 MS. NAPP: Object to the form.

18 A I'm not quite sure if you and I have
19 the same definition of students.

20 Q That's what I'm trying to get to.

21 A I'm thinking an 18, 19 year old kid in
22 college. I'm not sure what you're referring to.
23 You started mentioning families and married
24 students. I hadn't even thought of married
25 students.

1 - Lynn Yagel -

2 Q Adult student housing exists in
3 Ramapo, right?

4 A I don't know that it currently exists.

5 Q The adult student housing legislation
6 was passed in Ramapo, right?

7 A I heard that.

8 Q What colleges or institutions exist in
9 Ramapo?

10 A Really the college I think of is
11 Rockland Community College.

12 Q Do you know whether or not the adult
13 student housing legislation is connected to
14 students who attend religious institutions?

15 MS. NAPP: Object to the form.

16 A Say that one more time.

17 Q I'll have her read it back. And if
18 you don't understand, I'll try again. I'm not
19 trying to confuse you, but I'm not doing a good
20 job and I recognize that.

21 A You are talking about a world that I'm
22 alien to, so...

23 Q What is that world that you're alien
24 to?

25 A Well, this case -- this is -- I'm not

1 - Lynn Yagel -

2 intimately involved with the details of what
3 you're discussing.

4 Q But you're concerned about this case,
5 aren't you, Mrs. Yagel?

6 MS. NAPP: Object to the form.

7 A I would have to say I've not been
8 concerned with this case for over seven, eight
9 years.

10 Q But this case is a matter of concern
11 to you, right?

12 MS. NAPP: Object to the form.

13 A It does not occupy my thoughts.

14 Q That wasn't my question. The question
15 was: Is this case a matter of concern to you?

16 MS. NAPP: Object to the form.

17 A I'm aware of it.

18 Q Do you care how the property gets
19 developed?

20 MS. NAPP: Object to the form.

21 A How this particular property gets
22 developed?

23 Q Yes.

24 A Yes.

25 Q Is it fair to say that your level of

1 - Lynn Yagel -

2 interest as you sit here today is due simply
3 because this case started seven or eight years
4 ago?

5 MS. NAPP: Object to the form.

6 A Repeat that question.

7 Q She can read it back.

8 (The question was repeated.)

9 Q Do you understand it?

10 A Not exactly.

11 Q That's fine. I don't think I
12 understood it. Let me ask you another question.

13 Back in 2007 your level of concern on
14 this case was higher than it is today?

15 MS. NAPP: Object to the form.

16 A I followed it more closely back then
17 because it was new. Seven years have passed and
18 I don't follow it any further.

19 Q But your husband is the mayor of this
20 village.

21 A Yes, he is.

22 Q And you're sitting here telling me --

23 A And I'm telling you --

24 Q Can I finish my question?

25 A You can finish the questioning, of

1 - Lynn Yagel -

2 course. Sure, go right ahead.

3 Q Is it your testimony today that as you
4 sit here today, wife of the mayor of the village,
5 you have no interest in this case at all?

6 A That's not what I said.

7 Q Then I'm going to let you answer it.

8 A I care about what my husband is
9 involved with, but I don't fixate or spend most
10 of my time thinking about it.

11 Q That wasn't my question. I didn't ask
12 you if you fixated on it, I didn't ask you if you
13 spend most of your time on it.

14 A Okay.

15 Q But you do care how the property is
16 developed; is that right?

17 A Yes.

18 Q So you have an opinion today on how
19 the property is developed?

20 MS. NAPP: Object to the form.

21 Q You think you can answer that?

22 A Yes.

23 Q And you had an opinion seven years ago
24 on how the property was developed, right?

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 A Yes.

3 Q Is it still the same, your opinion?

4 A The property is still the same?

5 Q Yes.

6 A I don't know that for a fact.

7 Q Do you want this property to be -- is
8 it your opinion that this property should not be
9 developed as a rabbinical college?

10 A I don't think this property should be
11 developed at all.

12 Q So is it your opinion this property
13 should be just left untouched?

14 A Yes.

15 Q Did the Village of Pomona have an
16 opportunity to buy this property, to your
17 knowledge?

18 A I don't have any knowledge of that.

19 Q Why should this property be left
20 untouched in your opinion?

21 A I like open land.

22 Q That's it, that's the only reason in
23 your opinion this property should --

24 A That's the reason that comes to mind.

25 Q Should Patrick Farms be left the way

1 - Lynn Yagel -

2 it is, in your opinion?

3 A I would like that, yes.

4 Q Why is that?

5 A Because it's beautiful. It's got
6 lakes and trees and birds and...

7 Q I don't want to cut you off.

8 A No, that's...

9 Q What about Halley II property, do you
10 have an opinion as to whether or not --

11 A I don't know what the Halley II
12 property is.

13 Q That's a great point. Are you
14 familiar with the Halley development in Pomona?

15 A No, I'm not. I know a Halley Drive in
16 the Village of Pomona, but I don't know the
17 Halley II property.

18 Q Is it your opinion then, Mrs. Yagel,
19 that all property that's undeveloped in Pomona
20 should be left untouched?

21 A I would prefer that.

22 Q Why?

23 A I like open spaces.

24 MR. STEPANOVICH: Let's take about ten
25 minutes.

1 - Lynn Yagel -

2 (Recess held.)

3 MR. STEPANOVICH: (Handing document
4 to be marked.)

5 (Whereupon, Invitation, Bates No.
6 LYAGEL00011, was marked Plaintiff's Exhibit
7 253 for identification.)

8 Q I'm handing you now, Mrs. Yagel,
9 what's been marked as Plaintiff's Exhibit 253.
10 Could you identify this document, please?

11 A Yes, that looks like an invitation to
12 a cocktail party that we hosted to benefit those
13 campaigners, Mr. Brennan.

14 Q It was to benefit the Preserve Ramapo
15 election campaign?

16 A Right.

17 Q Did I read that accurately?

18 A Yes. That was the Joe Brennan
19 campaign slate.

20 Q When you said we, who do you mean we?

21 A The Sandersons and us.

22 Q Us, you mean you and your husband,
23 Brett Yagel, right?

24 A Yes.

25 Q That's all I have.

1 - Lynn Yagel -

2 Did you actually prepare that
3 invitation?

4 A I don't remember if I did it or Leslie
5 did it. I don't recall which one of us did it.
6 It's off centered, so that bothers me. I don't
7 think I would have done that.

8 Q So at this time back in '05 this was
9 where, at your home or Mr. Sanderson's?

10 A This was at the Sandersons' home.
11 They are 12, yes.

12 Q That's all I have on that.

13 A Gosh, time is flying by fast. Nine
14 years ago.

15 Q At that time back in '05 did you share
16 your opinions regarding the candidates in this
17 election with Mr. Sanderson?

18 MS. NAPP: Object to the form.

19 A No.

20 Q You didn't?

21 A Nick and I don't talk very often. I
22 would not have had a conversation like that with
23 Nick.

24 Q So even though your family and his
25 family jointly hosted this benefit --

1 - Lynn Yagel -

2 A Right, in their home.

3 Q -- in their home, you wouldn't have
4 talked to Mr. Sanderson about the candidates
5 running in this election?

6 A No, not with Nick.

7 Q How about his wife?

8 A We had a mutual desire to see those
9 candidates -- we liked throwing parties together,
10 so this was a good opportunity to get together
11 and have a forum where we could invite friends to
12 meet the candidates.

13 Q When I asked that question you said
14 not with Nick. Did you talk with Mr. Sanderson
15 regarding your thoughts and opinions regarding
16 issues in Pomona?

17 MS. NAPP: Object to the form.

18 A No. Nick and I exchange pleasantries,
19 but we don't have conversations.

20 Q Why is that?

21 A I don't know. We just -- the whole
22 time I've lived there I've never really talked
23 with him more than just general pleasantries.

24 Q He's been your neighbor for how long?

25 A Since we moved in, 16 years.

1 - Lynn Yagel -

2 Q Let me go back to '07, approximately
3 the summer of '07. What did you do to help
4 locate counsel for the Village of Pomona in
5 relationship to this lawsuit that we're sitting
6 here today on?

7 A I remember -- I don't remember the
8 year. But if it was '07 maybe that seems about
9 right. I remember researching RLUIPA and coming
10 across Marci Hamilton's name and showing it to my
11 husband.

12 Q Did you also share that with Leslie
13 Sanderson, your opinion on counsel?

14 MS. NAPP: Object to the form.

15 A I may have. I don't recall doing
16 that, though. I'm not sure why she -- well, I
17 don't know what she would have done with it or
18 cared about it.

19 Q Leslie Sanderson is married to Nick
20 Sanderson, right?

21 A Yes.

22 MR. STEPANOVICH: (Handing document
23 to be marked.)

24 (Whereupon, Emails, Bates No.

25 POM16949, was marked Plaintiff's Exhibit 254

1 - Lynn Yagel -

2 for identification.)

3 Q You've been handed now, Mrs. Yagel,
4 Plaintiff's Exhibit 254.

5 A Okay.

6 Q Ask you to take a look at that?

7 A (Complying.)

8 Q The second page specifically, that's
9 where I am going to ask you a question. It looks
10 like there's a lynn.parsons@lmco.com. Is that an
11 email of yours?

12 A Yes, it is. That's my work email,
13 right.

14 Q Looks like it's an email written by
15 you to Leslie?

16 A Yes.

17 Q Is that accurate?

18 A Yes. Stating just what I told you,
19 that I found out Marci's name and the Supreme
20 Court. Yes, this is coming back. That's what I
21 told you.

22 Q This Leslie would have been Leslie
23 Sanderson, right?

24 A Yup. (Perusing document.) Yup.

25 Q Did you know if Leslie Sanderson was

1 - Lynn Yagel -

2 the clerk of the Village of Pomona back in August
3 of 2007?

4 A I recall her being in the village. I
5 don't recall she was the clerk or she
6 volunteered.

7 Q Do you recall whether or not she was
8 the clerk in the Village of Pomona back in 2005?

9 A I know she worked there. I don't
10 recall the exact dates.

11 Q Turn your attention now to the first
12 page. "Parsons, Lynn wrote," could you just read
13 that and see if --

14 A Which one, on the first page?

15 Q The first page. At the very top it
16 says, "Parsons, Lynn wrote."

17 A Okay. You want me to read it to you
18 or --

19 Q No, just read it. I just want to make
20 sure that that's something you wrote.

21 A (Complying.)

22 Q Okay.

23 A Yes. I guess I wrote it, yes.

24 Q The second paragraph. "Who would have
25 thought just two years later my prediction would

1 - Lynn Yagel -

2 come true for OUR village."

3 What prediction are you referring to?

4 A Let me read this again. I don't
5 recall the time frame of this. I don't recall
6 what I meant by that. I don't know. Specifically
7 I don't know what this is referring to. I don't
8 know if it's about Marci being hired. I don't
9 recall.

10 Q Well, in other words, it's your
11 testimony that you conducted some independent
12 research on who would be a good lawyer to
13 represent the Village of Pomona in this case,
14 right?

15 MS. NAPP: Object to the form.

16 A That's a very strong statement, no.

17 Q It's not? Well, didn't you write here
18 on the second page that if you had a million
19 dollars you would hire Marci Hamilton?

20 A Yes, I did. She seemed in my opinion
21 what I came across to be an authority on this
22 subject.

23 Q You passed that onto --

24 A I came across your name as well.

25 Q You passed that onto Leslie Sanderson,

1 - Lynn Yagel -

2 do you recall what your prediction was?

3 MS. NAPP: Object to the form.

4 A I don't know the exact nature. I
5 don't know if it was the hiring of the attorney
6 or a case coming before Pomona. I don't recall
7 the exact nature.

8 Q Well, the Patrick Farms litigation is
9 not an RLUIPA case, was it?

10 A I believe it was. I thought it was,
11 because that's when I first heard about it. I
12 believe it was.

13 Q What do you base that belief on?

14 A Religious housing. And I thought that
15 came under the guise of RLUIPA. Remember, this
16 was a long time ago and I don't remember the
17 intricacies.

18 Q The first paragraph indicates you were
19 "going through some old emails during the time of
20 the last Preserve Ramapo election trying to
21 collect names/emails of the petition volunteers
22 that I had who volunteered last time. I did a
23 heavy sigh when I came across this one."

24 So does this refresh your recollection
25 that you actually participated in volunteering in

1 - Lynn Yagel -

2 the campaign?

3 A Yes. There was one set of candidates
4 Joe Brennan. And then two years later there was
5 another set of candidates. But I didn't quite
6 like the gentleman, so I didn't get too involved
7 with that campaign. I can't remember his name,
8 but I wasn't too impressed with him. By that
9 time I guess my life events took over and, you
10 know, I was just watching it in a passing way.

11 Q By what time, Mrs. Yagel?

12 A Pardon me?

13 Q I'm sorry. What time? You said by
14 that time.

15 A I guess it was two years later.
16 Because I think the town supervisor comes up
17 every two years.

18 MR. STEPANOVICH: (Handing document
19 to be marked.)

20 (Whereupon, Emails, Bates No. POM3353,
21 was marked Plaintiff's Exhibit 255 for
22 identification.)

23 Q Do you know what Accent on Promotions,
24 Inc. is? Did you ever hear of that before?

25 A What it's called?

1 - Lynn Yagel -

2 Q Accent on Promotions, Inc.

3 A Doesn't ring a bell.

4 Q Do you know an Ellen associated with
5 Accent on Promotions, Inc., who that person is;
6 does that ring a bell?

7 A I think there was -- wait a minute.
8 There was a -- I think there was a village -- I
9 didn't know him. We had a treasurer I think in
10 the village, he had a wife named Ellen. I
11 remember, I think they had a T-shirt company.
12 That's somehow ringing a bell, Accent. But I'm
13 not sure. I can't remember his name right now.

14 Q Were you involved back in August of
15 '07 in any fundraising activities for the Village
16 of Pomona regarding this lawsuit?

17 A Fundraising activities. I don't
18 recall if we had any.

19 Q Did you do anything to attempt to
20 raise funds in regard to this litigation?

21 MS. NAPP: Object to the form.

22 A I don't recall anything.

23 Q Did you talk to your husband about
24 raising funds for this litigation?

25 A I remember telling him I thought it

1 - Lynn Yagel -

2 was going to get expensive. That they could
3 probably do a fundraiser. But I don't think
4 anything came of it.

5 Q Did you work with anybody regarding
6 raising funds for this litigation?

7 A No. I don't think anything came off
8 the ground.

9 Q When did you first find out that a
10 lawsuit was filed against the Village of Pomona?
11 This lawsuit rather.

12 A I can't -- honestly I heard -- I can
13 honestly tell you I have no idea when it was
14 filed.

15 Q Did you ever see the lawsuit in this
16 case?

17 A See the lawsuit, you mean --

18 Q See the Complaint.

19 A -- see the paper. No.

20 Q So who did you talk to to learn about
21 the lawsuit?

22 MS. NAPP: Object to the form.

23 A I don't think I even asked about the
24 lawsuit.

25 Q You didn't talk to your husband about

1 - Lynn Yagel -

2 this lawsuit when it was filed?

3 A I may have heard it was filed from
4 him. But we didn't get into any kind of depth on
5 the lawsuit. He basically knows that I get very
6 swamped with my life and I don't have time to
7 hear all this.

8 Q Do you know that the claims, some of
9 the claims in that lawsuit are RLUIPA claims, you
10 know that, right?

11 A I don't know that for a fact. I would
12 assume, but I don't know that for a fact.

13 Q So it's your testimony that you've
14 never seen the paper, you've never seen the
15 Complaint in this case?

16 MS. NAPP: Object to the form.

17 A I don't recall seeing it. I mean
18 going back so many -- I don't even know when it
19 was filed or...

20 Q What do you know about this lawsuit?

21 MS. NAPP: Object to the form.

22 Q What is your understanding about this
23 lawsuit?

24 A I know it's ongoing for a while, I
25 don't know how long. I hear Brett talk about

1 - Lynn Yagel -

2 attorney costs are high. And there's just a lot
3 of -- I know we had to turn over our computer.
4 And there's a lot of investigation going on it.
5 More about the process of lawsuit. But what the
6 original lawsuit was about, I -- and all I know
7 is -- you are bringing up a world that I'm not
8 involved with.

9 Q That world is what?

10 A You're bringing up the litigation,
11 village business, that I am not directly involved
12 with.

13 Q Do you know, Mrs. Yagel, what the
14 claims of the Congregation are against the
15 village?

16 A I don't know the specifics. I don't
17 know -- I don't know. Right now I'm telling you
18 I don't know.

19 Q Did you ever know what the claims of
20 the plaintiffs are in this lawsuit against the
21 village?

22 A I don't think so.

23 Q I'm handing you now, Mrs. Yagel,
24 what's marked as 255.

25 A Okay.

1 - Lynn Yagel -

2 Q It's an email chain. And I'm going to
3 ask you some questions. Start at the bottom,
4 second half of the first page where it reads, "Hi
5 Ellen."

6 A Okay.

7 Q I'll read it. It says, "Hi Ellen, it
8 was nice talking to you and Alan on Saturday."

9 Does that refresh your recollection
10 who Ellen was?

11 A Yes.

12 Q Who is that?

13 A The treasurer's wife.

14 Q Is that Alan Lamer and Ellen Lamer?

15 A No. It starts with a B. Bernstein I
16 think. I can't remember the gentleman's name.
17 He just left the village a few years ago. Sorry,
18 I can't recall his last name. I think it was
19 Bernstein.

20 Q If you look at that email, that's an
21 email that you wrote, correct?

22 A Yeah. You remember what time frame it
23 was from? Okay, 2007. Yup, Ellen Bernstein.
24 That's at the bottom, okay.

25 Q You write, "I think once the lawsuit

1 - Lynn Yagel -

2 is initially responded to the board will be able
3 to address our ideas and we can see what role the
4 village can play in the fundraisers."

5 What ideas are you referring to?

6 A Where is that now?

7 Q In your first paragraph of the email
8 written by you.

9 A Okay. Our ideas about the fundraiser,
10 I think. Well, I think I meant -- will be able
11 to address our ideas. Yes, I think our ideas
12 were about the fundraiser.

13 Q And you said the fundraising ideas
14 never got off the ground?

15 A Right, it never got off the ground.

16 Q The next paragraph you write, "You are
17 right about this not being just a village
18 problem."

19 What do you mean by that?

20 A I think the overdevelopment is not
21 just specific to our village. It was happening
22 in the Patrick Farm which is in Ramapo.

23 Q "All of Rockland is looking to us
24 now."

25 What did you mean by that?

1 - Lynn Yagel -

2 A I believe that Rockland County
3 residents were looking to see how this lawsuit
4 was going to go. Yup.

5 Q Is that because you felt that this was
6 an issue in all of Rockland County?

7 MS. NAPP: Object to the form.

8 A I don't know if I -- repeat that
9 question.

10 Q She'll read it back.

11 (The question was repeated.)

12 MS. NAPP: Same objection.

13 A Yes.

14 Q This village problem, this village
15 problem that you recite here is what,
16 overdevelopment?

17 MS. NAPP: Object to the form.

18 A Overdevelopment in association with
19 RLUIPA.

20 Q What do you mean by that?

21 A Well, overdevelopment that would use
22 RLUIPA law to get whatever they -- whatever the
23 plans were to build whatever institutions, homes.
24 That was what I meant.

25 Q So the problem then -- again, let me

1 - Lynn Yagel -

2 see. I'm going to restate it and give you an
3 opportunity to correct me. The problem then that
4 you're referring to here is groups or individuals
5 that are using RLUIPA to overdevelop property?

6 MS. NAPP: Object to the form.

7 Q Is that what you were driving at?

8 MS. NAPP: Object to the form.

9 A Yes.

10 Q You felt that was wrong?

11 MS. NAPP: Object to the form.

12 A I felt that we needed to find out more
13 about it.

14 Q How would you go about that?

15 A I don't know, I don't know.

16 Q Well, did you know back in '07 that
17 the plaintiffs in this lawsuit didn't file any
18 applications on this property, did you know
19 anything about that?

20 MS. NAPP: Object to the form.

21 A No, I don't.

22 Q Well, you write here, Mrs. Yagel,
23 third line. "A village that is so ethically
24 diverse and a village government that took no
25 illegal action (nothing was ever even

1 - Lynn Yagel -

2 submitted)."

3 Does that refresh your recollection as
4 to whether or not the plaintiffs here ever filed
5 an application?

6 MS. NAPP: Object to the form.

7 A I'm reading that now. And I wrote it,
8 but I don't remember it, yes.

9 Q So you have no recollection whether or
10 not the plaintiffs ever filed anything in this
11 case?

12 MS. NAPP: Object to the form.

13 A I don't understand the significance of
14 that, but --

15 Q You wrote it?

16 A Yes.

17 Q You write that "A village that's so
18 ethnically diverse," correct?

19 A Uh-huh. I believe Pomona is
20 ethnically diverse, yes.

21 Q How is Pomona ethnically diverse?

22 A I already answered this question.

23 Q No, you answered that question in
24 relation I think to Rockland. But I'm asking you
25 specifically in your opinion how is Pomona

- Lynn Yagel -

ethnically diverse?

MS. NAPP: Object to the form.

A I did answer this question, but I'll repeat it.

Q Thank you.

A Pomona I believe is ethnically diverse is that we have people from all walks of life. We have -- I mentioned to you about the temple that we have, we also have a cultural center, we have artists, we have Asians, blacks, whites, whatever.

Q What about Orthodox and Hasidic Jews?

A We have -- yes, we have Orthodox Jews.

Q Where are they in Pomona?

A I don't know exactly. I don't have -- we -- I think -- I don't know the layout very well of Pomona. This is one of the things with my husband because he tells me I never know where I am going. But there are areas -- I don't know the exact areas. I know there are some areas in Ramapo on the southern part of the village.

Q We are talking about Pomona now, Mrs. Yagel.

A I am, I'm talking about the

1 - Lynn Yagel -

2 southern --

3 Q The Village of Pomona.

4 A The Village of Pomona and the southern
5 part of 202.

6 Q Where would that be?

7 A Oh gosh, I can't remember the streets.
8 I don't know for sure.

9 Q So this would be the area that you say
10 Orthodox and Hasidic Jews live in?

11 MS. NAPP: Object to the form.

12 A I don't know. I just know that we
13 have Orthodox. I don't know.

14 Q What about Hasidic Jews?

15 A I don't know if we have Hasidic Jews
16 in the village. I think we have Orthodox and I'm
17 not distinguishing between the two.

18 Q But you know there's a distinction
19 between the two, right?

20 MS. NAPP: Object to the form.

21 A I don't know -- I don't know the exact
22 distinction. I'm not very up on that cultural
23 between the two. I do know that there's events
24 that we have like fishing contests and whatnot.
25 And we try to have shift days so sometimes it's

1 - Lynn Yagel -

2 Saturday and sometimes it's Sunday so no one is
3 being excluded.

4 Q You testified earlier I think that you
5 knew, you could tell Orthodox or Hasidic Jews by
6 their dress, long black coats?

7 A Yes.

8 Q Right?

9 A Right.

10 Q Do any of these individuals come to
11 your community events?

12 A We did have the music festival. There
13 was an Orthodox mom, I think she was Orthodox,
14 and they came with her children, yeah. We are
15 trying. We are trying. I think that was the
16 whole purpose, to encourage everybody to attend.

17 Q The whole purpose of what?

18 A Well, having community events that
19 bring residents together as a village.

20 Q The one that comes to mind is a
21 fishing event?

22 A Yes. We've had fishing events. And I
23 think a -- I think we've had a couple of times
24 there's been Orthodox dads come with their
25 children.

1 - Lynn Yagel -

2 Q You know that for sure?

3 A I seem to recall, but I don't recall
4 when. I mean there's been so many of them and
5 everything blurs together.

6 Q So many what, events?

7 A Yes, events. They happen every year.

8 Q You write here, Mrs. Yagel. "There's
9 no hope no matter where you live in Rockland."

10 There's no hope for what?

11 MS. NAPP: Object to the form.

12 A Is it in here?

13 Q Yes, reading your words.

14 A I don't remember the context of that.

15 Q Well, wouldn't you agree that the
16 context of this email is related to the lawsuit
17 filed against the Village of Pomona?

18 MS. NAPP: Object to the form.

19 A Where did you read that?

20 Q Second paragraph of the first page,
21 next to the last line.

22 A I see it. Okay. I wrote it and I
23 don't recall why I wrote it.

24 Q Would it be in relationship to this
25 village problem that you're referring to in the

1 - Lynn Yagel -

2 first paragraph, the second sentence?

3 MS. NAPP: Object to the form.

4 A Can you repeat that question?

5 Q I'm trying to get an idea of your
6 words here. "You are right about this not being
7 a village problem. All of Rockland is looking to
8 us now. Don't you get the feeling that our
9 neighbors feel that if this kind of frivolous
10 lawsuit can be brought against us, a village
11 that's so ethnically diverse and a village
12 government that took no illegal action, nothing
13 was ever submitted, there's no hope no matter
14 where you live in Rockland."

15 A Uh-huh.

16 Q That's what I'm referring to. So I'm
17 asking you now what do you mean when you write
18 "There's no hope no matter where you live in
19 Rockland."

20 No hope for what?

21 A That sounds very dramatic.

22 I don't know. I don't recall. I
23 really don't. I don't recall.

24 Q But you agree that you wrote that,
25 correct?

1 - Lynn Yagel -

2 A Yes. What you are showing me, yes.

3 Q You don't recall what you meant back
4 then as "this is not just a village problem"?

5 MS. NAPP: Object to the form.

6 A Yes.

7 Q You don't recall what the problem was?

8 A Like I said, I believe it was
9 overdevelopment and I meant it wasn't just
10 Pomona, it was Ramapo-wide.

11 Q I think you further tied that into the
12 developments connected with RLUIPA developments,
13 is that --

14 MS. NAPP: Object to the form.

15 A Yes.

16 Q Number three on the second page. You
17 write, "Will it make enough money? We need
18 something that will bring in thousands."

19 Who needed something that will bring
20 in thousands? Is this the village?

21 A The village, yes.

22 Q Thousands of dollars, correct?

23 A Right.

24 Q For defending this lawsuit?

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 A Yes, that was my impression at the
3 time.

4 Q Where did you get that impression
5 from?

6 A Just that it was going to be long and
7 drawn out. And, you know, attorney fees are not
8 cheap, so...

9 Q Have you donated money to the Village
10 of Pomona in defense of this lawsuit?

11 A Yes, I paid my taxes.

12 Q I have nothing further on that.

13 MR. STEPANOVICH: (Handing document
14 to be marked.)

15 (Whereupon, Emails, Bates No.
16 POM16954, was marked Plaintiff's Exhibit 256
17 for identification.)

18 Q I'm handing you now, Mrs. Yagel,
19 what's been marked as Plaintiff's Exhibit 256.
20 It's an email thread. Look through it and see if
21 you've ever seen it before.

22 A (Complying.) This is like in a blog
23 of some kind.

24 Q Yes.

25 A No.

1 - Lynn Yagel -

2 Q Do you know who Bob Prol is?

3 A Bob Prol used to live in the Village
4 of Pomona. Him and his wife I knew as
5 acquaintances. But they moved a few years ago.
6 I haven't -- I went to a play at the little
7 playhouse in Wesley Hills and he happened to be
8 there a couple of years ago, and that's the last
9 time I saw him. He lives in Jersey right now I
10 think.

11 Q I turn your attention to the second
12 page of this document, 2 of 7.

13 A Okay.

14 Q Right in the middle. It reads, "Read
15 down. The Newsday article had better coverage
16 than JN." And it's signed Lynn.

17 Is that you who posted that?

18 MS. NAPP: Object to the form.

19 A I don't recall writing that. And I
20 wouldn't have used JN for -- no, I don't recall
21 writing that.

22 Q Right above that is a thread that's
23 dated Thursday, July 12, 2007. And if you work
24 your way down it says blyagel@optonline.net.

25 A Right.

1 - Lynn Yagel -

2 Q Is that your email that you and your
3 husband used at that time in July?

4 A Yes, we still have it, yup.

5 Q "Even the Jewish blogs support Pomona
6 and want to testify on our behalf."

7 A Where is that?

8 Q I'm just reading it. Right in front
9 of blyagel@optonline.net it reads from. And then
10 you drop down and it reads, "Read down. The
11 Newsday article had better coverage than the JN."
12 And that says Lynn.

13 Does that refresh your recollection
14 that you sent that posting?

15 MS. NAPP: Object to the form.

16 A I don't recall sending that.

17 Q But again blyagel@optonline.net is an
18 email that you and your husband use?

19 A Yes.

20 Q You have it to this day, right?

21 A Like I said, I don't use it now but I
22 may have back then.

23 Q That was dated July 11, 2007.

24 MS. NAPP: Object to the form.

25 Q Did you read the coverage, the

1 - Lynn Yagel -

2 newspaper coverage about this lawsuit back in
3 July of '07?

4 A I don't recall -- on the Newsday
5 article? Do you have a copy of it? I don't
6 recall it.

7 Q The question was -- the court reporter
8 will read the question back, please.

9 (The question was repeated.)

10 A Did I read the coverage. Specific to
11 the Newsday article?

12 Q Specific to this lawsuit being filed
13 in July of '07.

14 A I would read some of it, yeah.

15 Q At the bottom of that Page 2 of 7,
16 anonymous said, "If Babad thinks that the yiden
17 in Monsey are going to support him making
18 millions masquerading as a Kolllel he's going to
19 be in for a surprise."

20 You see that?

21 A Yes, I do.

22 Q Have you heard the name Babad before?

23 A I've heard the name. I don't know
24 if -- what connection he has to either Patrick
25 Farm or this. I'm not sure if he's one of the

1 - Lynn Yagel -

2 owners, I don't know. I don't know if he was one
3 of the property owners or not, I don't know.

4 Q So is it your testimony here today,
5 Mrs. Yagel, that you don't recall making this
6 post or --

7 MS. NAPP: Object to the form.

8 A I don't recall making this post.

9 Q But you read --

10 A I don't recall reading any of this.

11 Q Do you recall reading the Newsday
12 article on this lawsuit?

13 A I recall there being an article in
14 Newsday. And I don't recall the exact nature of
15 what was -- it was a long time ago.

16 Q How did you know there was an article
17 in Newsday?

18 MS. NAPP: Object to the form.

19 A I lived on Long Island. I think
20 someone at work may have shown it to me because
21 they know I lived in Pomona and they said, hey,
22 look at this. This is about your village. And
23 it was brought to my attention that way. Because
24 we don't get Newsday up here. It would be
25 circulated down on Long Island.

1 - Lynn Yagel -

2 Q That's all I have on that.

3 Mrs. Yagel, how close do you live to
4 Patrick Farms?

5 A I'd say it's about a mile away, a mile
6 to two miles away.

7 Q Do you know what downzoning is?

8 A Yes.

9 Q What is downzoning?

10 A In my -- I don't know if I know the
11 exact terminology. But to me downzoning is when
12 property goes from say, for example, one house
13 per acre to multiple houses per acres. It's when
14 you increase the number of buildings on a piece
15 of property from the current zoning.

16 Q Does the downzoning in your
17 understanding have anything to do with a
18 connection to religious schools?

19 MS. NAPP: Object to the form.

20 A It could apply to anything. But at
21 the time of all this it was connected to
22 religious schools.

23 Q You had an opinion at one time that if
24 Patrick Farms was to be developed you wouldn't be
25 welcome there, right?

1 - Lynn Yagel -

2 A Yes.

3 Q What did you base that opinion on?

4 A Based on my going -- just basically
5 not being accepted by the religious community as
6 being -- just basically not being able to make
7 connection with the village's community, not them
8 willing to talk to me or let their children play
9 with me -- play with my children.

10 Q So when you say religious community,
11 you are talking about the Orthodox and Hasidic
12 community, correct?

13 A I am.

14 Q Is this opinion based on that one
15 incident you described earlier?

16 MS. NAPP: Object to the form.

17 A I think that was something that came
18 to mind. I think my understanding of the
19 community trying to stay within the community and
20 not wanting to socialize outside the community.
21 I don't know on what basis it's on. I recall an
22 incident that happened in New Square with that
23 man that bought the house and how his house were
24 vandalized. I thought that was -- went against
25 my sense of respect for others.

1 - Lynn Yagel -

2 Q Did you know, and I think you
3 testified earlier it was your understanding that
4 the proposed residents of Patrick Farms would be
5 Orthodox and Hasidic Jews, right?

6 MS. NAPP: Object to the form.

7 A I think so.

8 Q You also believe that your children
9 wouldn't be welcome in Patrick Farms; is that
10 right?

11 A Yes.

12 Q Again, is the basis for that what you
13 just testified to earlier?

14 A Yes.

15 Q About why you wouldn't be welcome
16 there?

17 A Yes.

18 Q Were you concerned about the public
19 roads being blocked on Saturdays if Patrick Farms
20 was developed the way it was proposed?

21 A Yes.

22 Q Why were you concerned about that?

23 A I think for people who live in the
24 area if they want to get to where they need to go
25 there would be issues maybe with them not being

1 - Lynn Yagel -

2 able to pass.

3 Q What forms your basis that the roads
4 would be blocked?

5 MS. NAPP: Object to the form.

6 A We had neighbors next door, they had
7 two grown sons who volunteer at the fire
8 department. And one of their sons was
9 baby-sitting my children and he was relaying an
10 incident to me about how they had a call in New
11 Square. And as the fire trucks were being
12 brought in they blocked them from coming in and
13 they threw stones at him. I was sort of taken
14 back by that and it stuck with me as that may be
15 what we might be -- might happen in Patrick Farm.

16 Q What you might be facing if Patrick
17 Farms was developed the way it was proposed; is
18 that right?

19 MS. NAPP: Object to the form.

20 A I didn't take it that far.

21 Q I think you said they. Are you
22 talking about the Orthodox and Hasidic Jews threw
23 stones at the fire trucks and blocked their way?

24 MS. NAPP: Object to the form.

25 A I don't know who the residents were,

1 - Lynn Yagel -

2 but that was my understanding. The residents of
3 New Square which I think is predominantly Hasidic
4 and Orthodox, yes.

5 Q When you say you and your children
6 wouldn't be welcome there, what do you mean by
7 welcomed?

8 A If there was a playground, my children
9 would not be welcomed to play at the playground.
10 If I wanted to go with them and walk their dog, I
11 don't think people would say hi or talk to me or
12 want to engage me. That's what I meant by not
13 feeling welcomed.

14 Q This again is based on that one
15 instance?

16 MS. NAPP: Object to the form.

17 A Yeah.

18 Q In your opinion what's a good citizen,
19 Mrs. Yagel?

20 MS. NAPP: Object to the form.

21 A Well, I think I stress kindness. I
22 think duty to country is very important. Respect
23 of laws, respect your neighbors. You know, the
24 things you learn in kindergarten. Paying taxes.
25 Unfortunately that's the price we pay for living

1 - Lynn Yagel -

2 in this society.

3 Q Do you know whether or not the
4 proposed residents of Patrick Farms would have
5 paid taxes?

6 MS. NAPP: Object to the form.

7 A It's my impression if it was under
8 Religious Land Use that they would not pay taxes.

9 Q Do you know whether or not the entire
10 Patrick Farms was going to be under religious
11 use?

12 MS. NAPP: Object to the form.

13 A I do not know that for a fact.

14 Q What's a good neighbor?

15 MS. NAPP: Object to the form.

16 A A good neighbor is someone who looks
17 out for my house, my kids as they're walking down
18 the street. Someone I can trust to have a key to
19 my house. Who is there for you in a pinch, when
20 there's a snowstorm comes and plows out your
21 driveway because they know your husband is
22 getting home late. I think a good neighbor is
23 somebody who looks out for you and if there's
24 strange cars outside your home. That to me is a
25 good neighbor.

1 - Lynn Yagel -

2 Q I'm sure you're not saying that an
3 Orthodox, Hasidic Jew can't be a good neighbor?

4 MS. NAPP: Object to the form.

5 A Absolutely not. Anybody who is
6 willing to do that with me is a good neighbor.

7 Q In addition to that, pay their taxes
8 and the other things that you said, right? Does
9 that equal a good neighbor?

10 MS. NAPP: Object to the form.

11 Q In your opinion?

12 A Yes.

13 Q If they don't do these things, they
14 are not a good neighbor in your opinion?

15 MS. NAPP: Object to the form.

16 A They are not my kind of neighbor. I
17 mean there's all kinds of people. I have all
18 kinds of relatives. As I tell my daughter,
19 there's all kinds of kids you'll be friends with.
20 You choose the people that you have common values
21 with.

22 Q To be friends with. You choose your
23 friends.

24 A Yes.

25 MS. NAPP: Object to the form.

1 - Lynn Yagel -

2 Q You don't choose your neighbors?

3 A No. And you can't choose your
4 relatives unfortunately.

5 Q And you can't choose your neighbors,
6 can you?

7 MS. NAPP: Object to the form.

8 A No, you cannot.

9 MR. STEPANOVICH: (Handing document
10 to be marked.)

11 (Whereupon, Article entitled, "The
12 Face of Real Discrimination," Bates Nos.
13 LYAGEL00003, was marked Plaintiff's Exhibit
14 257 for identification.)

15 Q I'm handing you now, Mrs. Yagel,
16 what's been marked as Plaintiff's Exhibit 257.

17 A Okay.

18 Q Do you recognize this?

19 A Yes.

20 Q What is this?

21 A I wrote this article to the Journal
22 News and it was about the incident that I read in
23 the paper about the New Square family. And I
24 felt there was some sadness in all this. You
25 know, people talk about discrimination and I felt

1 - Lynn Yagel -

2 that this was something that people weren't
3 realizing was in my opinion a form of
4 discrimination. So I sent this to the Journal
5 News. It wasn't called this, by the way. It was
6 called, "The Real" -- that wasn't the title I
7 gave it. I think the Journal News changed it.
8 But anyway...

9 Q But the balance of this letter is all
10 you, right, you wrote that?

11 A Yes. Yup.

12 Q What was the point you were trying to
13 make with this article?

14 A My point was that we hear in the
15 papers all the time about hate crimes and
16 discrimination and we always think of it as one
17 group against another. And it's my opinion
18 sometimes it's the other way around.

19 Q What do you mean by that? I think I
20 know, but I want to give you the opportunity
21 to...

22 A Well, you know, there's discrimination
23 against women, there's discrimination against
24 blacks, there's discrimination against religious
25 groups. And we all think that discrimination

1 - Lynn Yagel -

2 follows those lines. But on the flip side this
3 incident that happened in New Square was a
4 testament to the fact that the residents of New
5 Square were discriminating against this
6 individual who bought into the community and who
7 wasn't part of the community.

8 Q I'm probably not capturing this
9 correctly, but is it your testimony that
10 sometimes the people that you generally think are
11 being discriminated against are actually at times
12 being the discriminators?

13 MS. NAPP: Object to the form.

14 Q Is that your point?

15 A That was my point.

16 Q But you do recognize that there's --
17 You've heard of discrimination against Orthodox
18 and Hasidic Jews, right?

19 MS. NAPP: Object to the form.

20 A Yes.

21 Q I want to be sure I understand this.
22 You had an opinion that when -- that members of
23 the Orthodox, Hasidic community seem to rely on
24 the claims of anti-Semitism maybe when those
25 claims are not well-founded in your opinion?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A Yes.

4 Q Can you explain that?

5 A I have no further explanation than to
6 agree with your statement.

7 Q Are you concerned, Mrs. Yagel, that
8 Pomona will end up looking like New Square?

9 MS. NAPP: Object to the form.

10 A Realistically, no.

11 Q Why not?

12 A I think -- I don't see -- I don't
13 know. I just don't see that happening
14 village-wide.

15 Q Why?

16 A I think because it's -- I think the
17 way that the village is laid out now and the way
18 the housing is, it's just a matter of where the
19 houses sit they will sit. There's not a lot of
20 open land left in the village. It's the open
21 land that, you know, that usually gets developed
22 to a different way that I can't control. But
23 seeing how the village is laid out now, I'm not
24 concerned.

25 Q That's all I have on that.

1 - Lynn Yagel -

2 MR. STEPANOVICH: (Handing document
3 to be marked.)

4 (Whereupon, Article entitled, "Pomona
5 rabbinical college not a 'natural'
6 progression," Bates No. RC1656, was marked
7 Plaintiff's Exhibit 258 for identification.)

8 Q I'm handing you now, Mrs. Yagel,
9 what's been marked as Plaintiff's Exhibit No.
10 258, and ask if you've ever seen that?

11 A I have seen this, yes.

12 Q Did you write this article?

13 A I actually did not write this article,
14 but I submitted it.

15 Q So you submitted this article under
16 your name?

17 A Yes, I did.

18 Q Did you write any of this article?

19 A I received it and I looked at it and I
20 may have done some little editing to it, but I
21 did not write it.

22 Q Who did you receive this from?

23 A I received this from Rita Louie.

24 Q Do you agree with what's set forth in
25 this article?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A I believe it's some statement -- I
4 heard about people -- I agree with some of it.

5 Q What do you agree with?

6 A Let's see. Let's go down line by
7 line. I don't agree -- I agree to not agreeing
8 with Mr. Savad's statement about the evolution of
9 the county or country to more diverse -- it's
10 been a while since I saw this.

11 Q That's fine. Let's do it this way.
12 The first paragraph is -- it's submitted by you
13 under your name?

14 A Right.

15 Q You write, "I have to take great
16 exception to attorney Paul Savad's statement in
17 the January 12 Journal News, 'Pomona to get
18 rabbinical college plan,' that a rabbinical
19 college in Pomona was a natural progression and
20 that the character of the village is evolving
21 from country to more diverse development because
22 of the people living here and the people moving
23 here."

24 Do you agree with that statement?

25 A I don't agree it's because of the

1 - Lynn Yagel -

2 people living there.

3 Q But you submitted this under your
4 name; isn't that right, Mrs. Yagel?

5 A I object to what he said, yes. I also
6 object to what he said, yes. And I truly believe
7 he's in -- this is more of a land development
8 issue than a religious nature.

9 Q What is more of a land development
10 issue?

11 A The Patrick Farm property.

12 Q Do you know if Mr. Savad represents
13 the Patrick Farm developers or the Rabbinical
14 College of Tartikov?

15 A I can't remember which.

16 Q The name of the article is Pomona
17 Rabbinical College.

18 A Okay.

19 Q Does that refresh your recollection?

20 A It does, yes. We are in his offices,
21 so now it's clicking that he is representing the
22 rabbinical college in Pomona. But before this
23 morning I couldn't remember which.

24 Q Third paragraph, the first line. This
25 article says, "To say that a virtual mini city in

1 - Lynn Yagel -

2 the village that will house thousands of
3 homogenous individuals who can control village
4 elections is natural in any way is simply not
5 true."

6 You agree with that, right?

7 MS. NAPP: Object to the form.

8 A I don't believe it's natural. I agree
9 with parts of that, yes.

10 Q What parts do you agree with?

11 A I don't believe that it's -- I agree
12 that it's not a natural progression.

13 Q What's not a natural progression?

14 A Having -- the numbers I'm not sure of.
15 But having a development that had thousands of
16 people is something that's natural and should
17 happen. I don't believe that that's something
18 that's natural and that should happen.

19 Q Who are the homogenous individuals
20 this article is referring to?

21 MS. NAPP: Object to the form.

22 Q Who is that?

23 A In the context of this I'd have to say
24 the inhabitants of the Orthodox and Hasidic
25 community, if that's what this was intended for.

1 - Lynn Yagel -

2 Q Well, if what was intended for? I
3 mean --

4 A The rabbinical college.

5 Q Okay, thank you.

6 The third paragraph from the bottom.

7 "There's nothing natural, ethical or pious about
8 what the developer is attempting to do in Pomona
9 right now."

10 Do you agree with that?

11 A Yes.

12 Q How is it that you agree with that
13 statement?

14 MS. NAPP: Object to the form.

15 A I don't believe it's natural.

16 Q You don't believe it's natural because
17 why?

18 A Because it's not a slow evolution of a
19 filling up of a development. It's a huge drop in
20 a very short space of time.

21 Q A mini city within the village?

22 MS. NAPP: Object to the form.

23 A Could become that, yes.

24 Q So in other words, if the population
25 of Orthodox, Hasidic Jews increased in a vicinity

1 - Lynn Yagel -

2 over time, that's a natural progression?

3 A Yes, absolutely.

4 MS. NAPP: Object to the form.

5 Q Is there any period of time in your
6 mind that makes it natural?

7 A No. A house comes up for sale in the
8 neighborhood and someone else buys it and they
9 move in. There's a lot of houses for sale in the
10 village. To me that's a natural progression.

11 Q One at a time buy a house here and buy
12 a house there?

13 MS. NAPP: Object to the form.

14 A In my opinion, yes.

15 Q Why is this development, why is it not
16 ethical?

17 MS. NAPP: Object to the form.

18 A Well, I didn't write this.

19 Q You didn't write this?

20 A No, I stated that already.

21 Q But you agree with it?

22 A I submitted it under my name. I don't
23 recall the events of why that happened. I read
24 it and I agree with its intent, yes.

25 Q So that's what I'm trying to figure

1 - Lynn Yagel -

2 out. What it is that you disagree with. And you
3 indicated that you agreed with that statement,
4 "There's nothing natural, ethical or pious about
5 what the developer is attempting to do in Pomona
6 right now." I asked if you agreed with it and
7 you said yes.

8 So now I'm asking you what is
9 unethical about this project?

10 A Unethical in my opinion, and I don't
11 know if that's relayed in this article, is that
12 there's property that's zoned for this use, which
13 is more expensive. I thought that this was a way
14 of circumventing the real cost of developing what
15 you wanted because you didn't want to pay that
16 price. So you found cheaper land that was zoned
17 for different use. That's my opinion.

18 Q Do you know how much they paid for
19 this land, Mrs. Yagel?

20 A I have no idea.

21 Q Then how do you know they could have
22 found --

23 A That's my opinion and I'm entitled to
24 it as a private citizen.

25 Q Absolutely.

1 - Lynn Yagel -

2 A Thank you.

3 Q But you have no facts to support that
4 opinion, do you?

5 MS. NAPP: Object to the form.

6 A No, but I'm entitled to my opinion.

7 Q You're absolutely right.

8 A And I'm here as a private citizen.

9 Q I understand that.

10 A Right.

11 Q Thanks for coming.

12 A You're welcome. I took a whole
13 vacation day from work for this.

14 Q What's not pious about this?

15 A To me pious is having a higher level
16 of wanting something. It's something that --
17 having a very aboveboard ethical reason for doing
18 something.

19 Q And in your opinion this project
20 doesn't fit that description; is that right?

21 MS. NAPP: Object to the form.

22 A In the sense that they didn't -- that
23 the land is -- I don't know. I don't know the...

24 Q Becoming a rabbi is not a pious
25 endeavor?

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A I think becoming a rabbi is a very
4 pious thing, yes. I don't think this is about
5 the inhabitants of the people living there or
6 going to live there.

7 Q Then what's it about?

8 MS. NAPP: Object to the form.

9 A I think it's more -- it's about money.
10 Someone is going to try and make money here.

11 Q Who?

12 A The owners of the property.

13 Q How?

14 A Because they are going -- I just -- I
15 haven't figured it all out yet, but I think it's
16 about money.

17 Q Somebody is going to make money here,
18 but you just don't know who that is?

19 A Yeah.

20 Q That's what bothers you about this
21 project?

22 MS. NAPP: Object to the form.

23 A It doesn't bother me per se, but --
24 yeah.

25 Q You submitted this to LoHud under your

- Lynn Yagel -

name?

A Okay.

Q Right?

A Yes, I did.

Q Because you obviously shared the sentiment in this article, correct?

A Yes, I did.

MS. NAPP: Object to the form.

Q And you wanted your sentiment to be heard, right?

MS. NAPP: Object to the form.

A I agreed to put my name on it to submit it, yes.

Q The final paragraph. "The Village of Pomona is a model of cultural, religious and racial diversity within a close-knit community of people who deserve equal application of zoning laws and it must stay that way for generations to come."

You agree with that proposition?

MS. NAPP: Object to the form.

A I do.

Q Can you explain to me why?

A I believe we are religiously and

1 - Lynn Yagel -

2 culturally diverse, racially diverse. I believe
3 we are pretty close-knit; although, I think a lot
4 of us work in the city and far away, we don't see
5 each other as much as we want. And that every
6 resident deserves the same consideration when it
7 comes to zoning.

8 Q What consideration is the resident
9 supposed to get? That's what I'm trying to
10 figure out.

11 MS. NAPP: Object to the form.

12 A I'm not following.

13 Q Maybe I didn't say that as best I
14 could. But it sounds to me as if you were saying
15 that the citizens of Pomona --

16 A Right.

17 Q -- should benefit from their zoning
18 laws. Is that what you're saying?

19 MS. NAPP: Object to the form.

20 A I don't know if zoning -- zoning laws,
21 in my opinion, I don't know much about village
22 government, but they are put in place for
23 protection. Like when we put in our basement we
24 had to put a second entrance. That's for our
25 protection. I think zoning is to protect

1 - Lynn Yagel -

2 residents, to build safe homes. Put in property
3 that's going to affect your neighbors. Maybe if
4 you are going to -- steep slopes and that kind of
5 thing. But I think zoning is put in place to
6 affect all the residents equally.

7 Q The current residents?

8 MS. NAPP: Object to the form.

9 A Anybody who owns property within the
10 village, yes.

11 Q Are you aware that the owner of this
12 property is a nonprofit corporation as opposed to
13 a profit corporation, are you aware of that?

14 A I never distinguished between the two,
15 no.

16 Q You said you never distinguish?

17 A I don't recall being told that it was
18 nonprofit or profit.

19 Q Would that make a difference to you in
20 your opinions regarding this property?

21 MS. NAPP: Object to the form.

22 A No, it shouldn't make a difference.
23 Okay. If you're referring to a nonprofit, it's
24 usually maybe a charity or religious group. It
25 doesn't give them the right or give anyone the

1 - Lynn Yagel -

2 right to build something that will have a
3 negative impact on the neighbors.

4 Q How does it have a negative impact on
5 the neighbors?

6 MS. NAPP: Object to the form.

7 A A lot of reasons. I don't know. I've
8 got a beautiful view of a pond across the street
9 and you built a huge fence and now I can't see
10 the pond. I mean there's a zillion things that I
11 think could affect someone's quality of life.

12 Q Besides a fence, how does this
13 negatively affect the neighbors?

14 MS. NAPP: Object to the form.

15 A How does this particular thing?

16 Q Yes, this project. I mean I think
17 that's what you're referring to.

18 MS. NAPP: Object to the form.

19 A I don't know yet. It hasn't been
20 built yet. You can anticipate with some kind of
21 logic what a hundred thousand people in a small
22 area will do to a small community.

23 Q In your opinion, Mrs. Yagel, could
24 this project based on what you know, could it be
25 built and not have a negative affect on the

1 - Lynn Yagel -

2 community?

3 MS. NAPP: Object to the form.

4 A I have not thought of that.

5 Q So is it your opinion that this is
6 just really a money-making deal on the part of
7 the developers?

8 MS. NAPP: Object to the form.

9 A I think yes.

10 MR. STEPANOVICH: (Handing document
11 to be marked.)

12 (Whereupon, Article written to Journal
13 News Editorial Page, Bates No. POM20042, was
14 marked Plaintiff's Exhibit 259 for
15 identification.)

16 Q Is the opinion that you just
17 expressed, Mrs. Yagel, based on your
18 understanding that other Hasidic and Orthodox
19 developments have been developed for profit?

20 MS. NAPP: Object to the form.

21 A I don't know that for a fact. But my
22 logic makes me wonder why property that's maybe
23 commercial or zoned for large buildings isn't the
24 option here.

25 Q Option to whom?

1 - Lynn Yagel -

2 A Option to anyone who wants to build a
3 college or apartment housing.

4 Q Well, you are familiar, though, Mrs.
5 Yagel, with developments in Rockland County by
6 Orthodox and Hasidic developers?

7 A No, I'm not.

8 Q You're not. Okay.

9 A Okay.

10 Q Well, you talked about Patrick Farms
11 being one?

12 A But you stated am I aware of that's
13 been developed. That hasn't been developed.

14 Q The difference with Patrick Farm is it
15 hasn't been developed, correct?

16 A No.

17 Q Last one. I am handing you now, Mrs.
18 Yagel, Plaintiff's Exhibit 259.

19 A Okay.

20 Q Have you ever seen Exhibit 259 before?

21 A This looks very familiar to the last
22 one. I thought it was submitted under my name.

23 Q That's what I'm going to ask you
24 about.

25 A Right. I think it appeared in the

1 - Lynn Yagel -

2 paper under my name.

3 Q Right. That's because you submitted
4 it, correct?

5 A I submitted it, correct.

6 Q The formatting changes here, were
7 those made by you?

8 A I'm not sure.

9 Q This Exhibit 259 has the names at the
10 bottom Rita Louie and your husband, Brett Yagel,
11 right?

12 A Yes.

13 Q Actually, at the top of this email
14 it's to the Journal News Editorial Page.

15 A Right.

16 Q From Rita J. Louie, 1 Secor Court,
17 Pomona, and the phone number, right?

18 A Yes, yes.

19 Q Regarding Pomona rabbinical college
20 not a natural progression.

21 A Right.

22 Q Rita Louie is your neighbor as well,
23 correct?

24 A Yes.

25 Q Did you prepare No. 258 by editing No.

1 - Lynn Yagel -

2 259?

3 MS. NAPP: Object to the form.

4 A I don't know what state I received
5 this in and what I did to it. I don't know if
6 these are my edits or not.

7 Q Who decided that this article, "Pomona
8 Rabbinical College not a natural progression,"
9 who decided that it should be submitted only
10 under your name?

11 MS. NAPP: Object to the form.

12 A I don't recall who and I don't
13 remember why. I don't know if it was a situation
14 -- I seem to recall maybe Rita had submitted a
15 lot of articles and maybe they were sick of
16 getting them from her, so she asked if maybe I
17 would submit it, take a look at it and if I liked
18 it would I submit it. And I looked at it. I go,
19 yeah, you should put this in the paper and I
20 submitted it.

21 Q But your husband's name was originally
22 on 259.

23 MS. NAPP: Object to the form.

24 A I believe she added my husband. I'm
25 not clear whether or not he did these edits or he

1 - Lynn Yagel -

2 wrote part of it. You'll have to ask him.

3 Q Did you ask him about whether or not
4 he contributed to this article, 259?

5 MS. NAPP: Object to the form.

6 A I don't recall talking to him about
7 this.

8 Q So then it's your testimony here that
9 you -- I want to understand this.

10 A Okay.

11 Q You did make some edits, didn't you,
12 to 259 in order to get it to 258, right?

13 MS. NAPP: Object to the form.

14 A I don't recall if this is the version
15 how I got it.

16 Q It's your testimony that you got it
17 from Rita Louie?

18 A Yes, yes.

19 Q It's your testimony you never talked
20 to your husband about this article?

21 A I think I may have said to him I
22 received it. I don't recall our conversations
23 about it, I really don't at the time. I probably
24 did, but I don't recall.

25 Q Coming back to 258, Mrs. Yagel, just

1 - Lynn Yagel -

2 so I'm clear. You agree with everything that's
3 written in 258, correct?

4 MS. NAPP: Object to the form.

5 Q I may have asked this already, but...

6 A I agree with the gist of what's
7 written here. These are not my words per se. It
8 didn't come from the heart like the first
9 article. This is not a -- this is not a thought
10 that I would have pursued. Much like if I read
11 it in the paper, I think I would have read it and
12 felt it had a lot of bases, yes.

13 Q Is it your testimony that you just put
14 your name to this article?

15 A No, it's not -- no, I said to you I
16 did go through it and I remember making some
17 changes. I don't know to the extent of what
18 those changes were, though.

19 Q I think you've answered this and I'm
20 going to have to ask you one more time.

21 What is it that you disagree with in
22 this article?

23 MS. NAPP: Object to the form.

24 Q Exhibit 258. So we can have the
25 record clear.

1 - Lynn Yagel -

2 MS. NAPP: Object to the form.

3 A I believe there's an extreme in this.

4 A picture that's painted that seems extreme in
5 nature that I don't agree with.

6 Q If you disagree with that extreme
7 character of this, why would you put your name on
8 it, Mrs. Yagel?

9 A I probably didn't give it much thought
10 at the time. I said sure, and I really didn't
11 put much objection to it.

12 Q Do you recall when the election was
13 for your husband in 2007?

14 A I know it's -- I think it's in the
15 April time frame.

16 Q Could it have been March '07?

17 A March maybe. Okay. Spring. It's not
18 like a November 5th election.

19 Q And he was running for election with
20 Rita Louie, correct?

21 A And Nick Sanderson, yes.

22 Q So we agree that the election was in
23 March or April I'll give you 2007, right?

24 A Yes, it was probably right after this,
25 yes.

1 - Lynn Yagel -

2 Q So the publication of this letter was
3 February 1st, 2007. Right?

4 A Uh-huh.

5 Q About a month or so before the
6 election?

7 A Yes.

8 Q I don't have anything else. That's
9 all we have.

10 MS. NAPP: Give us a couple of
11 minutes.

12 MR. STEPANOVICH: Sure.

13 (Recess held.)

14 MS. NAPP: No further questions.

15 (Time Noted: 2:07 p.m.)

16 * * *

17

18

Lynn Yagel

19

20 Subscribed and sworn to
21 before me this day
22 of , 2014

22

23

24

25

E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.	
Ex 243	Notice of Deposition	4	4
Ex 244	Subpoena	4	7
Ex 245	Defendants' Rule 26(a) Initial Disclosures	13	20
Ex 246	Article entitled, "Culture Clash," Bates Nos. RC1810-1817	67	9
Ex 247	Printout of article, "In a Town Divided, a Wispy Boundary Between Land Use and Religion" Bates Nos. RC1618-19	68	3
Ex 248	Document entitled, "Where are we now? News from the Hearings and Courts" Bates Nos. LYAGEL00007-9	73	24
Ex 249	Election document Bates No. LYAGEL00010	79	17
Ex 250	Document entitled, "Preserve Ramapo to Confront Ramapo Town Board" Bates No. LYAGEL00002	84	24

E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 251	Election document Bates No. LYAGEL00012	87 8
Ex 252	Flier, Benefit Cruise Along The Hudson Bates No. LYAGEL00006	90 21
Ex 253	Invitation Bates No. LYAGEL00011	103 5
Ex 254	Emails Bates No. POM16949	106 24
Ex 255	Emails Bates No. POM3353	112 20
Ex 256	Emails Bates No. POM16954	128 15
Ex 257	Article entitled, "The Face of Real Discrimination" Bates Nos. LYAGEL00003	140 11
Ex 258	Article entitled, "Pomona rabbinical college not a 'natural' progression" Bates No. RC1656	144 4
Ex 259	Article written to Journal News Editorial Page Bates No. POM20042	157 12

1
2 STATE OF NEW YORK)
3) ss.
4 COUNTY OF ROCKLAND)
5

6 I, Gale Salit, a shorthand reporter and
7 Notary Public within and for the State of New
8 York, do hereby certify:

9 That LYNN PARSONS YAGEL, the witness whose
10 examination is hereinbefore set forth, was

11 duly sworn by me and that the transcript

12 of said examination is a true record of the
13 testimony given by the witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood
16 or marriage and that I am in no way interested
17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this 17th day of June, 2014.
20

21 
22 _____

23 Gale Salit
24 Shorthand Reporter
25

1 Errata Sheet

2

3 NAME OF CASE: CONGREGATION RABBINICAL COLLEGE OF TARTIKOV -against- VILLAGE OF POMONA, NY

4 DATE OF DEPOSITION: 05/22/2014

5 NAME OF WITNESS: LYNN YAGEL

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24

25

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